

Town of Brookline

Annual Town Meeting

May 24, 2022

Town of Brookline 2022 Annual Town Meeting
May 24, 25, 31, and June 1, 2, 7, 8, and 9, 2022

Night 1: May 24, 2022

- Pledge of Allegiance conducted.
- Call to order: 7:00PM.
- A quorum being present, the meeting was called to order by Assistant Moderator Sandy Gadsby.
- Acknowledgement of the properly noticed warrant by Town Clerk Ben Kaufman.
- Star Spangled Banner sung by Mr. Hoy.
- Land Acknowledgement read by Ms. Robinson
- **VOTED** to authorize the remote special town meeting request as submitted by the Town Moderator, Kate Poverman for the Annual Town Meeting scheduled to be held on May 25, 2022, and any additional Special Town Meeting to be held concurrently, to be held through remote participation.
 - **APPROVED**
- **MOTION** to DEFER Articles 22, 12, and 13 to May 31, 2022
 - **APPROVED**
- **MOTION** to DEFER Articles 23 and 24 to June 1, 2022
 - **APPROVED**

ARTICLE 1

Appointment of Measurers of Wood and Bark

Submitted by: Select Board

Motioned and duly seconded.

Presented by: Dennis Doughty

Speakers: Dennis Doughty (P3/AC)

VOTED: That the Town establish that the number of Measurers of Wood and Bark be two, to be appointed by the Select Board.

Approved: AYE: 239

NO: 2

ABSTAINED: 6

ARTICLE 2

Approval of Collective Bargaining Agreements

Submitted by: Human Resources

Motioned and duly seconded.

Presented by: Heather Hamilton

Speakers: Heather Hamilton (SB/AL), Harry Friedman (P12/AC), John Hebert (P7)

Question of Privilege: Marissa Vogt (P6)

VOTED: To approve and fund by an appropriation, provided for in the FY2022, (Item 20) and FY2023 (item 20) budget, for the cost items in the following collective bargaining agreement that commences on July 1, 2021- and expires on June 30, 2024:

AFSCME Council 93, Local 1358 AFL-CIO (AFSCME, Main contract)

all as set forth in the report of Ann Hess Braga, Director of Human Resources, dated April 5, 2022, which report is incorporated herein by reference.

Approved: AYE: 239

NO: 3

ABSTAINED: 3

ARTICLE 3

Annual authorization of Compensating Balance Agreements

Submitted by: Treasurer/Collector

Motioned and duly seconded.

Presented by: Kelly Hardebeck

Speakers: Kelly Hardebeck (P7/AC), Heather Hamilton (SB/AL)

VOTED: That the Town authorize the Town Treasurer, with the approval of the Select Board, to enter into Compensating Balance Agreement(s) for FY2023 in accordance with General Laws Chapter 44, Section 53F.

Approved: AYE: 248

NO: 0

ABSTAINED: 1

ARTICLE 6

Acceptance of legislation to increase certain property tax exemptions

Submitted by: Board of Assessors

Motioned and duly seconded.

Presented by: Bernard Greene

Speakers: Bernard Greene (SB/AL), Susan Granoff (P7/AC)

VOTED: That the Town elect to establish an additional property tax exemption for fiscal year 2023 which shall be uniform for all exemptions, in accordance with Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, and accept said Section 4, as amended.

Approved: AYE: 247

NO: 1

ABSTAINED: 1

ARTICLE 7

Authorize the acceptance and granting of easements in the areas of 19-21 Brington Road and 22 Tappan Street

Submitted by: Building and School Departments

Motioned and duly seconded.

Presented by: Bernard Greene

Speakers: Bernard Greene (SB/AL), Ben Birnbaum (AC)

VOTED: That the Town authorize the Select Board, on such terms and conditions that are in the best interest of the Town, to accept:

(1) a grant of an easement from Brookline Hills Condominium (19-21 Brington Road) or owners therein to occupy land on the Northeast corner of the parcel with the street address 19-21 Brington Road (Assessors' Parcel ID 191-01-02), as well as the ground underneath, with certain infrastructure including, but not limited to, three parking spaces, granite curbing, steel & wood fencing, concrete fence foundations, 1 light pole, and accompanying below grade conduits providing power to the light pole, and to enter into such land as necessary to maintain said infrastructure;

And also vote to authorize the Select Board, on such terms and conditions that are in the best interest of the Town, to grant:

(1) an easement to Brookline Hills Condominium allowing ingress and egress over a portion of the service drive extending from Brington Road onto the parcel with the street address 22 Tappan Street (Assessors Parcel ID 191-01-01) in order to access three parking spaces located on property with the street address 19-21 Brington Road.

and

(2) an easement to the owner of 25 Brington Road allowing ingress and egress over a portion of the service drive extending from Brington Road onto the parcel with the street address 22 Tappan Street (Assessors Parcel ID 191-01-01) in order to access the rear yard of 25 Brington Road.

Approved: AYE: 249 NO: 0 ABSTAINED: 1

ARTICLE 8

Annual (FY23) Budget Appropriations Article

Submitted by: Advisory Committee

Motioned and duly seconded.

Presented by: Dennis Doughty

Speakers: Dennis Doughty (P3/AC), Heather Hamilton (SB/AL), John VanScoyoc (SB/AL), Martin Rosenthal (P9), Amanda Zimmerman (P7), Wendy Friedman (P5), Mel Kleckner (Town Administrator)

Amendment proposed by Marissa Vogt (P6)

Speakers: Marissa Vogt (P6), Dennis Doughty (P3/AC), Amanda Zimmerman (P7), Michael Sandman (SB/AL), Scott Ananian (P10), Chuck Swarts (P9), Neil Wishinsky (P5), Erin Chute Gallentine (Commissioner of Public Works), Kate Silbaugh (P1), Lee Biernbaum (P9)

MOTION to Terminate Debate

APPROVED

MOVED that special appropriation 44 for the rehabilitation of sidewalks be increased by \$147,000 to a new total of \$500,000 with the additional funds dedicated to improving sidewalk PROWAG compliance.

Approved: AYE: 134 NO: 106 ABSTAINED: 10

Speakers: Melissa Goff (Deputy Town Administrator), Sean Lynn-Jones (P1)

Votes on Bond Items

VOTED: Item 56.) Raise and appropriate \$700,000, or any other sum, to be expended under the direction of the Fire Chief, with any necessary contracts over \$100,000 to be approved by the Select Board, for the replacement of Fire Engine #1 and to meet the appropriation, authorize the Treasurer, with the approval of the Select Board, to borrow \$700,000 under General Laws, Chapter 44, Section 7(1), as amended, or pursuant to any other enabling authority; and authorize the Select Board to apply for, accept, receive and expend grants, aid, reimbursements, loans, and all other forms of funding and financial assistance from both state and federal sources and agencies for such purpose.

Approved: Aye: 227 No: 9 Abstain: 8

VOTED: Item 57.) Raise and appropriate \$1,350,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for the upgrade of the Washington/Harvard/Kent/Davis traffic signal, and to meet the appropriation, authorize the Treasurer, with the approval of the Select Board, to borrow \$1,350,000 under General Laws, Chapter 44, Section 7(1), as amended, or pursuant to any other enabling authority; and authorize the Select Board to apply for, accept, receive and expend grants, aid, reimbursements, loans, and all other forms of funding and financial assistance from both state and federal sources and agencies for such purpose.

Approved: Aye: 226 No: 9 Abstain: 10

VOTED: Item 58.) Raise and appropriate \$600,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for storm water improvements and to meet the appropriation, authorize the Treasurer, with the approval of the Select Board, to borrow \$600,000 under General Laws, Chapter 44, Section 8(5), as amended, or pursuant to any other enabling authority; and authorize the Select Board to apply for, accept, receive and expend grants, aid, reimbursements, loans, and all other forms of funding and financial assistance from both state and federal sources and agencies for such purpose.

Approved: Aye: 244 No: 2 Abstain: 3

VOTED: Item 59.) Raise and appropriate \$2,000,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for water system improvements and to meet the appropriation, authorize the Treasurer, with the approval of the Select Board, to borrow \$2,000,000 under General Laws, Chapter 44, Section 8(5), as amended, or pursuant to any other enabling authority; and authorize the Select Board to apply for, accept, receive and expend grants, aid, reimbursements, loans, and all other forms of funding and financial assistance from both state and federal sources and agencies for such purpose.

Approved: Aye: 247 No: 1 Abstain: 2

VOTED: Item 60.) Raise and appropriate \$3,000,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for wastewater system improvements and to meet the appropriation, authorize the Treasurer, with the approval of the Select Board, to borrow \$3,000,000 under General Laws, Chapter 44, Section 7(1), as amended, or pursuant to any other enabling authority; and authorize the Select Board to apply for, accept, receive and expend grants, aid, reimbursements, loans, and all other forms of funding and financial assistance from both state and federal sources and agencies for such purpose.

Approved: Aye: 251 No: 1 Abstain: 2

VOTED: Item 61.) Raise and appropriate \$140,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for upgrades to the fuel system at the Netherlands Road facility, and to meet the appropriation, authorize the Treasurer, with the approval of the Select Board, to borrow \$140,000 under General Laws, Chapter 44, Section 7(1), as amended, or pursuant to any other enabling authority; and authorize the Select Board to apply for, accept, receive and expend grants, aid, reimbursements, loans, and all other forms of funding and financial assistance from both state and federal sources and agencies for such purpose.

Approved: Aye: 244 No: 2 Abstain: 4

Amendment proposed by Paul Hsieh (P4)

Speakers: Paul Hsieh (P4), Dennis Doughty (P3/AC), Mary Sabolsi (Resident), Sean Lynn-Jones (P1), Susan Daley (P1), Wendy Stahl (Resident), Heather Hamilton (SB/AL), Erin Chute Gallentine (Commissioner of Public Works), Lauren Bernard (P17), Carolyn Thall (P16), Lee Biernbaum (P9), Mike Toffel (P8), Pete Rittenburg (School Department)

MOTION to Terminate Debate

Approved

MOTION to approve amendment proposed by Paul Hsieh (P4)

Failed: Aye: 23 No: 216 Abstain: 16

VOTED: Item 62.) Raise and appropriate \$3,210,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for the design and renovation of Skyline Park and to meet the appropriation authorize the Treasurer, with the approval of the Select Board, to borrow \$3,210,000, under General Laws, Chapter 44, Section 7(1), as amended, or pursuant to any other enabling authority; and authorize the Select Board to apply for, accept, receive and expend grants, aid, reimbursements, loans, and all other forms of funding and financial assistance from both state and federal sources and agencies for such purpose.

Approved: Aye: 233 No: 12 Abstain: 9

VOTED: Item 63.) Raise and appropriate \$2,800,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for the environmental restoration of Willow Pond, and to meet the appropriation, authorize the Treasurer, with the approval of the Select Board, to borrow \$2,800,000 under General Laws, Chapter 44, Section 7(1)., as amended, or pursuant to any other enabling authority; and authorize the Select Board to apply for, accept, receive and expend grants, aid, reimbursements, loans, and all other forms of funding and financial assistance from both state and federal sources and agencies for such purpose.

Approved: Aye: 237 No: 7 Abstain: 7

VOTED: Item 64.) Raise and appropriate \$650,000, or any other sum, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Select Board and, with respect to School Buildings, by the School Committee, for building roof repairs to Town and School facilities and to meet the appropriation, authorize the Treasurer with the approval of the Selectmen, to borrow \$650,000 under General Law, Chapter 44, Section 7(1), as amended, or pursuant to any other enabling authority; and authorize the Select Board to apply for, accept, receive and expend grants, aid, reimbursements, loans, and all other forms of funding and financial assistance from both state and federal sources and agencies for such purpose.

Approved: Aye: 247 No: 3 Abstain: 1

Speakers: Amanda Zimmerman (P7), Melissa Goff (Deputy Town Administrator)

MOTION to Adjourn, duly seconded

Approved

Night 2: May 25, 2022

- Call to order: 7:00P.M.
- Meeting called to order by Assistant Moderator Sandy Gadsby
- Vote corrections announced by Assistant Moderator Gadsby
- **MOTION** to DEFER Articles 28 and 29 to June 2, 2022
 - **APPROVED**
- Point of Order: Carol Hillman (P1)
- Question: Natalia Linos (P6)
- Point of Order: Michael Sandman (SB/AL)
- Point of Order: Linda Pehlke (P17)

ARTICLE 8 (Continued)

Speakers: Linda Pehlke (P17), Amanda Zimmerman (P7), Johnathan Margolis (P7), Mel Kleckner (Town Administrator), Carol Hillman (P1), Erin Chute Gallentine (Commissioner of Public Works), Martin Rosenthal (P9), Richard Allen (Acting Chief of Police), Alexander Lebovitz (P8), Rebecca Plaut Mautner (P11), Jennifer Paster (Police Department), Natalia Linos (P6), Jonathan Karon (P12), Scott Gladstone (P16), Martin Yaseen (P17), Ana Otero (P6), Jesse Hefter (P14), Gideon Coltof (P6), Ben Kaufman (Town Clerk/AL), Jennifer Goldsmith (P11), Legh Jackson (Director of Recreation)

Point of Order: Paul Warren (P1)

Speakers: Justin Lawson (Recreation Department), Shira Fischer (P11)

Question of Privilege: Jennifer Goldsmith (P11)

Speakers: Sigalle Reiss (Health Director), Naomi Sweitzer (P10), Jerry Tuckman (P9), Amanda Zimmerman (P7), Charles Homer (P8), Kara Brewton (Director of Planning and Community Development), Chi Chi Wu (P7), Anne Greenwald (P8), Michael Kushner (P12), Anne Weaver (P11)

Point of Order: Jesse Hefter (P14)

Speakers: Karen Ambrose (P4), Arthur Conquest (P6), Joe Callanan (Town Counsel), Marissa Vogt (P6), Miriam Aschkenasy (SB/AL), Susan Park (P17), Lee Biernbaum (P9), Jesse Gray (P10), Scott Ananian (P10), Linus Guillory (School Superintendent), David Pearlman (School Committee), Joslin Murphy (P16), Mike Toffel (P8), Tommy Vitolo (State Representative/AL), Jeff Rudolph (P6), Bonnie Bastien (P5), Mel Kleckner (Town Administrator), Lauren Bernard (P17), Bernard Greene (SB/AL), Vena Priestly (P4), Erin Chute Gallentine (Commissioner of Public Works), Lee Biernbaum (P9), Kalymba Clark (P4), Linus Guillory (School Superintendent), Alisa Jonas (P16), Wendy Friedman (P5), Joe Callanan (Town Counsel), John Hebert (P7), Sassan Zelkha (P14), Sigalle Reiss (Health Director), Martin Rosenthal (P9), Jennifer Goldsmith (P11), Melissa Goff (Deputy Town Administrator), Jesse Hefter (P14), Erin Chute Gallentine (Commissioner of Public Works), Carlos Ridruejo (P14), Bernard Greene (SB/AL), Susan Park (P17)

Point of Order: Shira Fischer (P11)

Speakers: Linus Guillory (School Superintendent), Wendy Machmuller (P4), David Pearlman (School Committee), Michael Sandman (SB/AL), Damon Graff (P9), Richard Allen (Acting Police Chief)

MOTION to Adjourn, duly seconded

Approved

Night 3: May 31, 2022

- Call to order: 7:00P.M.
- Meeting called to order by Assistant Moderator Sandy Gadsby
- Question of Privilege: Jennifer Goldsmith (P11)

ARTICLE 8 (Continued)

Submitted by: Select Board

Motioned and duly seconded.

Presented by: Heather Hamilton

Speakers: Linus Guillory (Superintendent of Schools), Marissa Vogt (P6), Elizabeth Childs (P4), Heather Hamilton (SB/AL), Mariah Nobrega (School Committee), Carolyn Thall (P16), Samuel Rippen (School Department), Julie Jette (P16), Mariah Nobrega (School Committee), Naomi Sweitzer (P10), Casey Ngo-Miller (School Department), George Abbott White (P9), Martin Yaseen (P17), Linus Guillory (Superintendent of Schools), Natalia Linos (P6), Linus Guillory (Superintendent of Schools), Lesley Ryan Miller (School Department), Charles Homer (P8), Casey Ngo-Miller (School Department), Lesley Ryan Miller (School Department), Clint Richmond (P6), Erin Gallentine (Commissioner of Public Works), Carolyn Thall (P16), Linus Guillory (Superintendent of Schools), Jesse Gray (P10), Joslin Murphy (P16), Casey Ngo-Miller (School Department), Lesley Ryan Miller (School Department), Aone Wang (P8), Melissa Goff (Deputy Town Administrator), Scott Ananian (P10)

Question of Privilege: Lee Biernbaum (P9)

VOTED: To approve the budget for fiscal year 2023 set forth in the attached Tables I and II; to appropriate the amounts set forth for such fiscal year in the departments and expenditure object classifications within departments, as set forth in Tables I and II, subject to the following conditions; to raise all sums so appropriated, unless other funding is provided herein; and to establish the following authorizations:

1.) **TRANSFERS AMONG APPROPRIATIONS:** Transfers between the total departmental appropriations separately set forth in Tables 1 and 2 shall be permitted by vote of Town Meeting or as otherwise provided by Massachusetts General Laws Chapter 44, Section 33B(b). Within each separate departmental appropriation, expenditures shall be restricted to the expenditure object classifications set forth in the recommendation of the Advisory Committee, and voted by the Town Meeting, for each department, subject to the following exceptions:

A) Expenditures within the appropriation for the School Department shall not be restricted.

B) The following transfers within the appropriations for each department (other than the School Department and the Library Department), shall be permitted only with the prior written approval of the Select Board and Advisory Committee:

i) Transfers from the appropriation for the capital outlay object classification to any other object classification.

ii) Transfers to the appropriation for the personal services object classification from any other object classification.

iii) Any transfer which has the effect of increasing the number of positions or the compensation for any position, exclusive of adjustments in wages and benefits voted separately by Town Meeting.

v) Transfers within the Department of Public Works from the Parks Division to any other purpose.

vi) Transfers within the Department of Public Works from the Snow and Ice budget to any other purpose.

C) Transfers within the Library Department appropriation shall be permitted with the approval of the Board of Library Trustees, and written notice of such approval shall be submitted promptly to the Advisory Committee, Town Administrator and Town Comptroller.

D) All other transfers within the total appropriation for a particular department shall be permitted with the written approval of the Town Administrator, subject to review and approval of the Select Board, and upon the condition that written notice of each such approval shall be submitted promptly to the Advisory Committee and Town Comptroller.

2.) **PROCUREMENT CONTRACTS AND LEASES:** The Chief Procurement Officer is authorized to lease, or lease with an option to purchase, any equipment or capital item funded within the FY2023 budget, and to solicit and award contracts for terms of not more than four years, provided that in each instance the longer term is determined to be in the best interest of the Town by a vote of the Select Board.

3.) **ALLOCATION OF SALARY ADJUSTMENTS:** Appropriations for salary and wage adjustments (Item #20) shall be transferred by the Town Comptroller to the various affected departments within (60) days from the beginning of the fiscal year, or in the absence of duly approved collective bargaining agreements, within (60) days of the approval of the collective bargaining agreements by Town Meeting. The Select Board shall determine the salaries, which may include merit adjustments, for employees not included in any collective bargaining agreement.

Should a balance remain after the Town Comptroller has made the transfers specified herein, said balance shall be transferred by the Town Comptroller to a budget line entitled Personnel Services Reserve (Item #19), which shall be used to fund costs incurred over the course of the fiscal year pursuant to employee contracts and/or established personnel policies. The Town Comptroller shall include an accounting of all transfers made from this reserve in the Annual Financial Report.

4.) **STIPENDS / SALARIES OF ELECTED OFFICIALS:** The stipends of members of the Select Board shall be at the rate of \$4,500 per year for the Chair and at the rate of \$3,500 per year for each of the other four members. The annual salary of the Town Clerk shall be at the rate of \$101,203 effective July 1, 2022, plus any adjustment approved by vote of the Select Board. The Town Clerk shall pay all fees received by the Town Clerk by virtue of their office into the Town treasury for Town use. ,

5.) **VACANT POSITIONS:** No appropriation for salaries, wages, or other compensation shall be expended for any benefit-eligible position which has become vacant during the fiscal year unless the Select Board, at an official meeting, has determined that the filling of the vacancy is either essential to the proper operation of the Town or is required by law. This condition shall not apply to appropriations of the School Department.

6.) **GOLF ENTERPRISE FUND:** The following sums, totaling \$2,580,460 shall be appropriated into the Golf Enterprise Fund, and may be expended under the direction of the Park and Recreation Commission, for the operation of the Golf Course:

Salaries	\$736,066
Purchase of Services	\$373,760
Supplies	\$382,500
Other	\$9,600
Utilities	\$135,880
Capital	\$526,000
Debt Services	\$156,135
Reserve	<u>\$25,000</u>
Total Appropriations	\$2,344,941
Indirect Costs	\$235,519
Total Costs	\$2,580,460

Total costs of \$2,580,460 to be funded from golf receipts with \$235,519 to be reimbursed to the General Fund for indirect costs.

7.) **WATER AND SEWER ENTERPRISE FUND:** The following sums, totaling \$31,358,359, shall be appropriated into the Water and Sewer Enterprise Fund, and may be expended under the direction of the Commissioner of Public Works for the Water and Sewer purposes as voted below:

	Water	Sewer	Total
Salaries	2,476,507	545,912	3,022,419
Purchase of Services	172,398	149,000	321,398
Supplies	143,220	26,000	169,220
Other	13,900	3,180	17,080
Utilities	141,100	0	141,100
Capital	417,300	109,800	527,100
Intergovernmental	8,023,100	14,587,590	22,610,690
Debt Service	542,500	1,191,815	1,734,315
Reserve	135,000	175,000	310,000
Total Appropriations	12,065,025	16,788,297	28,853,322
Indirect Costs	2,004,619	500,417	2,505,036

Total Costs	14,069,645	17,288,714	31,358,359

Total costs of \$30,691,325 to be funded from water and sewer receipts with \$2,472,183 to be reimbursed to the General Fund for indirect costs.

8.) **REVOLVING FUNDS:**

a.) The Park and Recreation Commission is authorized to maintain and operate, under the provisions of General Laws Chapter 44, Section 53E1/2 and Chapter 79 of the Acts of 2005, a revolving fund for special recreation programs and events. All receipts from said programs and events shall be credited to the fund. Annual expenditures from the fund shall not exceed \$4,300,000.

b.) The Building Commissioner is authorized to maintain and operate, under the provisions of General Laws Chapter 44, Section 53E1/2 and Chapter 79 of the Acts of 2005, a revolving fund for the repair and maintenance of the Town's rental properties, including all those listed in the vote under Article 13 of the Warrant for the 1999 Annual Town Meeting. All receipts from said rental properties shall be credited to the fund. Annual expenditures from the fund shall not exceed \$225,000.

c.) The Commissioner of Public Works is authorized to maintain and operate, under the provisions of General Laws Chapter 44, Section 53E1/2 and Chapter 79 of the Acts of 2005, a revolving fund for the construction and reconstruction, upkeep, maintenance, repair and improvement of sidewalks and walkways along public streets and ways over, across and through town owned property. Annual expenditures from the fund shall not exceed \$100,000.

d.) The Director of Planning and Community Development is authorized to maintain and operate, under the provisions of General Laws Chapter 44, Section 53E1/2 and Chapter 79 of the Acts of 2005, a revolving fund for the Façade Improvement Loan Program. Annual expenditures from the fund shall not exceed \$30,000.

e.) The Library Director is authorized to maintain and operate, under the provisions of General Laws Chapter 44, Section 53E1/2 and Chapter 79 of the Acts of 2005, a revolving fund for the Copier Program. Annual expenditures from the fund shall not exceed \$30,000.

f.) The School Department is authorized to maintain and operate, under the provisions of General Laws Chapter 44, Section 53E1/2 and Chapter 79 of the Acts of 2005, a revolving fund for the School bus Program. Annual expenditures from the fund shall not exceed \$75,000.

9.) **SCHOOLHOUSE MAINTENANCE AND REPAIR:** The sum of \$6,876,596, included within the Building Department appropriation for school building maintenance, shall be expended for School Plant repair and maintenance and not for any other purpose. The listing of work to be accomplished shall be established by the School Department. The feasibility and prioritization of the work to be accomplished under the school plant repair and maintenance

budget shall be determined by the Superintendent of Schools and the Building Commissioner, or their designees.

10.) **SNOW AND ICE BUDGET:** The sum of \$402,814, included within the Department of Public Works appropriation for snow and ice operations, shall be expended for snow and ice operations and not for any other purpose, unless transferred per the provisions of Section 1.B.vi of this Article 9.

11.) **INTERFUND TRANSFERS:** In order to fund the appropriations voted for the various departments itemized on Table 1, the Town Comptroller is authorized to make the following interfund transfers:

Cemetery Sales Special Revenue Fund \$ 100,000
[to the General Fund for the Department of Public Works]

Recreation Revolving Fund \$460,000
[to the General Fund for benefits reimbursement]

12.) **COMMUNITY PRESERVATION FUNDS**

a) To appropriate \$138,129 from FY2023 Community Preservation Fund revenues for committee administrative expenses:

Salaries	38,129
Contingency	100,000

13.) **HOST COMMUNITY FUNDS**

Appropriate \$1,007,293 to be expended under the direction of the Town Administrator for marijuana mitigation activities, and to meet the appropriation transfer \$1,007,293 from the HCA stabilization fund.

14.) **BUDGETARY REPORTING:** The Town Comptroller shall provide the Advisory Committee with a report on the budgetary condition of the Town as of September 30, December 31, March 31, and June 30, within 45 days of said dates. This financial report shall include a summary of the status of all annual and special appropriations voted in this article; a report on the status of all special appropriations voted in prior years which remain open at the reporting date; and a summary of the status of all revenues and inter-fund transfers which have been estimated to finance the appropriations voted under this article.

15.) **SPECIAL APPROPRIATIONS:** The appropriations set forth as items 35 through 69, inclusive, in Table 1 shall be specially appropriated for the following purposes. In addition, with the exception of Items #64 - 69, they shall be transferred from the General Fund to the Revenue-Financed Capital Fund.

Appropriate sums of money for the following special purposes:

37.) Raise and appropriate \$900,000, to be expended under the direction of the Police Chief, with any necessary contracts over \$100,000 to be approved by the Select Board, for upgrades/replacement of the Police and Fire Department's radio infrastructure.

38.) Raise and appropriate \$450,000, to be expended under the direction of the Building Commissioner, with any necessary contracts over \$100,000 to be approved by the Select Board for Public Safety Building locker room improvements.

39.) Raise and appropriate \$560,000, with any necessary contracts over \$100,000 to be approved by the Select Board, to be expended under the direction of the Commissioner of Public Works, for traffic calming.

40.) Raise and appropriate \$472,000, with any necessary contracts over \$100,000 to be approved by the Select Board, to be expended under the direction of the Commissioner of Public Works, for bike access improvements.

41.) Raise and appropriate \$188,000, with any necessary contracts over \$100,000 to be approved by the Select Board, to be expended under the direction of the Commissioner of Public Works, for parking meter technology upgrades.

42.) Raise and appropriate \$50,000, to be expended under the direction of the Commissioner of Public Works, for Accessible Pedestrian Signal Conversions.

43.) Raise and appropriate \$1,880,000, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for the rehabilitation of streets.

44.) Raise and appropriate \$500,000, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for the rehabilitation of sidewalks.

45.) Raise and appropriate \$700,000, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for the Washington Street Rehabilitation and Complete Streets Project.

46.) Raise and appropriate \$200,000, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for the renovation of playground equipment, fields, and fencing.

47.) Raise and appropriate \$90,000, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for the rehabilitation of Town and School grounds.

48.) Raise and appropriate \$350,000, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board and the Tree Planting Committee, for the removal and replacement of trees and to meet the appropriation transfer \$50,000 from the balance remaining in the appropriation voted under Section 13, Special Appropriation No. 38 of Article 9 of the 2019 Annual Town Meeting.

49.) Raise and appropriate \$25,000, or any other sum, to be expended under the direction of the Chief Procurement Officer for school furniture upgrades.

50.) Raise and appropriate \$50,000, or any other sum, to be expended under the direction of the Building Commissioner for underground tank removal.

51.) Raise and appropriate \$85,000, to be expended under the direction of the Building Commissioner for ADA renovations to Town and School facilities.

52.) Raise and appropriate \$100,000, to be expended under the direction of the Building Commissioner for energy conservation projects in Town and School facilities.

53.) Raise and appropriate \$100,000, or any other sum, to be expended under the direction of the Building Commissioner for upgrades to energy management systems in Town and School facilities.

54.) Raise and appropriate \$250,000, or any other sum, to be expended under the direction of the Building Commissioner, with any necessary contracts over \$100,000 to be approved by the Board of Select Board and, with respect to School Buildings, by the School Committee, for improvements to life safety systems and building security in Town and School facilities.

55.) Raise and appropriate \$1,827,048, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Select Board and the School Committee, for the expansion of classroom capacity in various schools.

56.) Raise and appropriate \$700,000, or any other sum, to be expended under the direction of the Fire Chief, with any necessary contracts over \$100,000 to be approved by the Select Board, for the replacement of Fire Engine #1 and to meet the appropriation, authorize the Treasurer, with the approval of the Select Board, to borrow \$700,000 under General Laws, Chapter 44, Section 7(1), as amended, or pursuant to any other enabling authority; and authorize the Select Board to apply for, accept, receive and expend grants, aid, reimbursements, loans, and all other forms of funding and financial assistance from both state and federal sources and agencies for such purpose.

57.) Raise and appropriate \$1,350,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for the upgrade of the Washington/Harvard/Kent/Davis traffic signal, and to meet the appropriation, authorize the Treasurer, with the approval of the Select Board, to borrow \$1,350,000 under General Laws, Chapter 44, Section 7(1), as amended, or pursuant to any other enabling authority; and authorize the Select Board to apply for, accept, receive and expend

grants, aid, reimbursements, loans, and all other forms of funding and financial assistance from both state and federal sources and agencies for such purpose.

58.) Raise and appropriate \$600,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for storm water improvements and to meet the appropriation, authorize the Treasurer, with the approval of the Select Board, to borrow \$600,000 under General Laws, Chapter 44, Section 8(5), as amended, or pursuant to any other enabling authority; and authorize the Select Board to apply for, accept, receive and expend grants, aid, reimbursements, loans, and all other forms of funding and financial assistance from both state and federal sources and agencies for such purpose.

59.) Raise and appropriate \$2,000,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for water system improvements and to meet the appropriation, authorize the Treasurer, with the approval of the Select Board, to borrow \$2,000,000 under General Laws, Chapter 44, Section 8(5), as amended, or pursuant to any other enabling authority; and authorize the Select Board to apply for, accept, receive and expend grants, aid, reimbursements, loans, and all other forms of funding and financial assistance from both state and federal sources and agencies for such purpose.

60.) Raise and appropriate \$3,000,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for wastewater system improvements and to meet the appropriation, authorize the Treasurer, with the approval of the Select Board, to borrow \$3,000,000 under General Laws, Chapter 44, Section 7(1), as amended, or pursuant to any other enabling authority; and authorize the Select Board to apply for, accept, receive and expend grants, aid, reimbursements, loans, and all other forms of funding and financial assistance from both state and federal sources and agencies for such purpose.

61.) Raise and appropriate \$140,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for upgrades to the fuel system at the Netherlands Road facility, and to meet the appropriation, authorize the Treasurer, with the approval of the Select Board, to borrow \$140,000 under General Laws, Chapter 44, Section 7(1), as amended, or pursuant to any other enabling authority; and authorize the Select Board to apply for, accept, receive and expend grants, aid, reimbursements, loans, and all other forms of funding and financial assistance from both state and federal sources and agencies for such purpose.

62.) Raise and appropriate \$3,210,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for the design and renovation of Skyline Park and to meet the appropriation authorize the Treasurer, with the approval of the Select Board, to borrow \$3,210,000, under General Laws, Chapter 44, Section 7(1), as amended, or pursuant to any other enabling authority; and authorize the Select Board to apply for, accept, receive and expend grants, aid,

reimbursements, loans, and all other forms of funding and financial assistance from both state and federal sources and agencies for such purpose.

63.) Raise and appropriate \$2,800,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for the environmental restoration of Willow Pond, and to meet the appropriation, authorize the Treasurer, with the approval of the Select Board, to borrow \$2,800,000 under General Laws, Chapter 44, Section 7(1)., as amended, or pursuant to any other enabling authority; and authorize the Select Board to apply for, accept, receive and expend grants, aid, reimbursements, loans, and all other forms of funding and financial assistance from both state and federal sources and agencies for such purpose.

64.) Raise and appropriate \$650,000, or any other sum, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Select Board and, with respect to School Buildings, by the School Committee, for building roof repairs to Town and School facilities and to meet the appropriation, authorize the Treasurer with the approval of the Selectmen, to borrow \$650,000 under General Law, Chapter 44, Section 7(1), as amended, or pursuant to any other enabling authority; and authorize the Select Board to apply for, accept, receive and expend grants, aid, reimbursements, loans, and all other forms of funding and financial assistance from both state and federal sources and agencies for such purpose.

16.) **FREE CASH:** Appropriate and transfer \$11,606,813 from free cash for the following purposes:

- a.) Operating Budget Reserve Fund (MGL Chapter 40, Section 6) – \$732,511;
- b.) Liability/Catastrophe Fund (Chapter 66 of the Acts of 1998, as amended) – \$132,489;
- c.) Stabilization Fund (MGL Chapter 40, Section 5B) - \$3,500,000
- d.) Reduce the tax rate (Special Appropriations) – \$6,814,801;
- e.) Housing Trust Fund – \$427,012;

Approved: Aye: 228 No: 8 Abstain: 14

ARTICLE 22

Amend the Town's General By-Laws to restrict the sale or distribution of products containing Fluorinated Hydrocarbons or PFAS

Submitted by: Clint Richmond TMM6, Claire Stampfer, Deane Coady

Speakers: Clint Richmond (P6), Alisa Jonas (P16/AC), Miriam Aschkenasy (SB/AL), Karen Kraut (Resident), Louise Bowditch (Resident), Wendy Friedman (P5)

MOVED: That the subject matter of Article 22 be referred to a Moderator's Committee, with a Preliminary Report due by the Fall 2022 TM and a Final Report and possible Warrant Article for the Spring 2023 Annual Meeting.

Approved: AYE: 234 NO: 12 ABSTAINED: 4

ARTICLES 12 and 13 **(Debated Together)**

Amend Article 3.14 of the Town's General By-Laws to revise the discrimination complaint process

Speakers: Mariah Nobrega (Petitioner), David Pollak (P11), Richard Benka (P14), Dennis Doughty (P3/AC), Arthur Conquest (P6), Michael Sandman (SB/AL), Sandy Batchelder (Resident)

Question of Privilege: Richard Benka (P14)

Speakers: John VanScoyoc (SB/AL), Anne Greenwald (P8), Neil Gordon (P1), John Card (Resident), Susan Granoff (P7), Chi Chi Wu (P7), Bernard Greene (SB/AL), Miriam Aschkenasy (SB/AL)

Point of Order: Marty Rosenthal (P9)

Speakers: Jonathan Margolis (P7)

MOTION to Terminate Debate
Failed

Speakers: Tina Li (Resident), Amy Hummel (P12), Carlos Tamayo (P2), Marty Rosenthal (P9), Markus Penzel (P2), Alexander Lebovitz (P8)

MOTION to Terminate Debate
Approved

VOTED: To refer the subject matter of Articles 12 and 13 back to the Commission on Diversity, Inclusion and Community Relations (CDICR) for further study, potential revision and, if warranted, resubmission to the Spring 2023 Annual Town Meeting.

Approved: AYE: 153 NO: 96 ABSTAINED: 4

MOTION to Adjourn, duly seconded
Approved

Night 4: June 1, 2022

- Call to order: 7:00P.M.
- Meeting called to order by Assistant Moderator Sandy Gadsby

ARTICLES 23 and 24 **[Debated Together]**

Speakers: Michael Toffel (P8), Susan Helms Daley (P1), Carla Benka (P14/AC), Arden Reamer (P8), Miriam Aschkenasy (SB/AL), Erin Gallentine (Commissioner of Public Works), Matthew Gillis (School Department), Nancy O'Connor (Resident), Jon VanScoyoc (SB/AL), Valerie Frias (P13), Susan Dittkoff (Resident), Casey Hatchett (P12), Janice Kahn (P15), Natalia Linos (P6), Nicole McClelland (Resident), David Youkilis (School Department), Victor Kusmin (Resident), Derek Hatchett (Resident)

Point of Order: Jesse Gray (P10)

Speakers: Wendy Sheridan Ames (P5), Markus Penzel (P2), Susan Helms Daley (P1), David Day (P16), Michael Toffel (P8), Michael Berger (P15), Julie Jette (P16), Nancy O'Connor (Resident), Erin Gallentine (Commissioner of Public Works), Gideon Coltof (P6), Susan Dittkoff (Resident)

Point of Order: Naomi Sweitzer (P10)

MOTION to Terminate Debate
Failed

Speakers: Jonathan Golden (P11), Scott Ananian (P11), Wendy Stahl (Resident), Mark Levy (P7), Michael Toffel (P8), Nathan Shpritz (P16), Clint Richmond (P6), Carolyn Goodwin (P8), Erin Gallentine (Commissioner of Public Works)

MOTION to Terminate Debate
Approved

ARTICLE 23

Resolution to create an Athletic Field Surface Task Force

Submitted by: Mike Toffel (TMM 8)

Motioned and Duly Seconded

VOTED: To adopt the following resolution:

WHEREAS Town Meeting is responsible for funding capital and operating budgets to install and maintain Brookline's athletic fields; and

WHEREAS the Park and Recreation Commission recently oversaw the completion of the 2020 Athletic Fields Needs Assessment and Master and the Parks, Open Space and

Recreation 2020 Strategic Master Plan Update, which concluded “The quantity and size of Brookline’s athletic fields, especially multi-use turf fields, continue to not meet the current demand or the Level of Service standards for Brookline;” and

WHEREAS Brookline has recently installed a synthetic turf athletic field at the Ridley School, a grass turf athletic field at the Cypress Street Playground, and is planning to install a synthetic turf athletic field at the new Driscoll School where building construction has already begun; and

WHEREAS Brookline is implementing several best practices when procuring synthetic turf athletic field, including (a) procuring only organic infill for its synthetic turf athletic fields to avoid potential health risks associated with crumb rubber and to dramatically reduce “heat island” effects; (b) developing additional technical specifications in its Request for Proposals, such as requiring manufacturers to disclose whether their products contain certain chemicals of concern; and, requiring vendors to indicate whether and how they will recycle or repurpose turf components when Brookline uninstalls them; and

WHEREAS some concerns have been expressed about the environmental, safety, and health impacts of synthetic turf and of grass turf, and that installing grass turf in locations with high usage quickly transforms the surface to compacted dirt, reducing its safety, availability, and aesthetics; and

WHEREAS the decision between installing grass turf or synthetic turf at a particular athletic field entails many complicated tradeoffs, including: (1) how much time the field can be used each week to prevent compaction that can impede safety, (2) how much time the field will be unavailable for use during and following wet weather, (3) how much time the field will be unavailable for use each spring and fall for “rest periods”, (4) how consistently and for how long the playing surface will retain its original desirable properties given anticipated usage intensity (e.g., soft grass versus compacted dirt), (5) equity concerns associated with accessing alternative field space—often beyond walking range, necessitating driving—when field closures occur due to wet weather or seasonal rest periods, or if program constraints are imposed to preserve field surface conditions; (6) risk of user injury, (7) risk of user safety associated with possible heat island effects, (8) possible health risks associated with chemical exposure, (9) end-of-life disposition, (10) installation costs; (11) maintenance costs, (12) replacement or revitalization frequency, (13) climate change mitigation and adaptation and perhaps additional criteria; and

WHEREAS the Brookline Park and Recreation Commission lacks a formal policy guiding the circumstances under which it will recommend that athletic fields should be grass turf or synthetic turf; and

WHEREAS a nuanced understanding of the many factors involved should inform such a policy, diverse expertise should be brought to bear to consider their tradeoffs, consult with the wide array of affected stakeholders, and be developed through a public meeting process, and Town Meeting itself does not possess all the required expertise or the time to

sufficiently consider the tradeoffs to develop an appropriate policy for Brookline.

NOW THEREFORE BE IT RESOLVED THAT:

Town Meeting requests the Select Board, in consultation with the Park and Recreation Commission and the Advisory Council on Public Health, to take the following actions:

- (1) Understanding that time is of the essence, that by June 30, 2022, appoint an Athletic Field Surface Task Force, consisting not only of Park and Recreation Commission and Advisory Council on Public Health members, or their designees, but also other community members, individuals with professional expertise and Town and School staff that bring diverse perspectives such as athletics, recreation, turf management, education, environment/climate, toxicology, risk assessment, public health, children's socioemotional and physical development, capital planning, and perhaps other domains;
- (2) Charge the Task Force to conduct its meetings in a manner that is consistent with the provisions and intent of the Open Meeting Law;
- (3) Charge the Task Force with proposing Athletic Field Surface Decision Guidelines to the Parks and Recreation Commission and to the Select Board by September 1, 2022;
- (4) Charge the Task Force to hold at least one Public Hearing to receive feedback on the Decision Guidelines, notifying the public and Town Meeting Members of the Public Hearing;
- (5) Charge the Task Force to report out the final Athletic Field Surface Decision Guidelines, and notify Town Meeting Members and the public of their completion, by November 4, 2022.

Approved: AYE: 209 NO: 33 ABSTAINED: 8

ARTICLE 24

Amend the Town's General By-Laws pertaining to Artificial Turf Surfaces.

Submitted by: Clint Richmond TMM6, Claire Stampfer, Susan Helms Daley TMM1, Andrew Fischer TMM13

Motioned and Duly Seconded

MOVED: To refer the subject matter of Article 24 to an Athletic Field Surface Task Force, appointed by the Select Board with membership and tasks as described in Warrant Article 23 at the 2022 Annual Town Meeting, provided, however, that maintenance or replacement of synthetic/artificial turf that has been installed prior to such Town Meeting, including, but not limited to, the artificial turf fields at Skyline Park and at Soule Recreation, is permitted.

Approved: AYE: 149 NO: 94 ABSTAINED: 8

ARTICLE 9

Amend Article 4.8 of the Town's General By-Laws to adjust calculation of Living Wage

Submitted by: Director of Human Resources

Motioned and Duly Seconded

Presented by: Harry Bohrs

Speakers: Harry Bohrs (P3/AC), Miriam Aschkenasy (SB/AL), Alexander Lebovitz (P8)

VOTED: That the Town amend the General By-Laws, Part IV, Financial and Reports, Article 8.4, Living Wage By-Law, Section 4.8.2, Living Wage, and the title of Section 4.8.3 as follows (additions are **underlined**):

SECTION 4.8.2 LIVING WAGE

(a) The town of Brookline ("town") shall pay each of its employees no less than \$10.30 an hour except as provided in Section 4.8.5 and in collective bargaining agreements with the town under G.L. c. 150E, section 7.

(b) The wage prescribed in paragraph (a) of this Section 4.8.2 shall be known as the "living wage" and shall be adjusted annually by the same percentage and on the same schedule relative to wage adjustments given to full-time, nonunion town employees on the town's general pay schedule, beginning in the year 2003.

(c) The living wage shall also be adjusted annually at the time of and after the adjustment set forth in paragraph (b) of this Section 4.8.2 if necessary to insure that as so adjusted, it is at least one dollar more than the state minimum wage in effect under G.L. c.151 at the time of such adjustment.

(d) Should the adjusted "living wage" fall below the "Brookline minimum wage" as defined in Section 4.8.3, the Town shall adjust the living wage to be one dollar (\$1.00) more than the minimum wage.

SECTION 4.8.3 **BROOKLINE** MINIMUM WAGE

Approved: AYE: 242

NO: 3

ABSTAINED: 3

ARTICLE 10

Transfer of funds to support developing of Comprehensive Plan

Submitted by: Neil Wishinsky, Steven Kanesh, and David Lee

Motioned and Duly Seconded

Presented by: Neil Wishinsky

Speakers: Neil Wishinsky (P5), Lee Selwyn (P13/AC), Bernard Greene (SB/AL),
Amanda Zimmerman (P7), John Doggett (P13), Gina Hahn (P3)

Motion to Terminate Debate

Approved

VOTED: That the Town transfer the sum of \$188,644 from the special appropriation under item 38 of Article 7 at the 2018 Annual Town Meeting to be expended under the direction of the Director of Planning and Community Development, with any necessary contracts over \$100,000 to be approved by the Select Board, to support the comprehensive planning efforts described by Article 26 of the November 2021 Special Town Meeting including data services and analysis to better understand the existing conditions of the built environment in Brookline.

Approved: AYE: 246 NO: 2 ABSTAINED: 2

ARTICLE 11

Approval of an increase in the Cost of Living Adjustment (COLA) base for retirees from \$13,000 to \$15,000 pursuant to Section 103(j) of Massachusetts General Laws, Chapter 32.

Submitted by: Brookline Retirement Board

Motioned and Duly Seconded

Presented by: Harry Friedman

Speakers: Harry Friedman (P12), John VanScoyoc (SB/AL), Bernard Greene (SB/AL), Alexander Lebovitz (P8), John Hebert (P7), Linda Olson Pehlke (P17)

MOTION to Terminate Debate

APPROVED

VOTED: That the Town accept the provisions of Section 103(j) of Massachusetts General Laws Chapter 32, as amended by Section 19 of Chapter 133 of the Acts of 2010 to permit an increase to the base upon which the cost of living increases may be granted to Town retirees from the first \$13,000 to the first \$15,000 of the retirement allowance.

Approved: AYE: 186 NO: 40 ABSTAINED: 20

ARTICLE 14

Amend Article 9.05 of the Town's Zoning By-Laws pertaining to Conditions for Approval of Special Permits to expressly authorize the Zoning Board of Appeals to attach conditions related to construction impact mitigation

Submitted by: Department of Planning and Community Development

Motioned and duly seconded.

Presented by: John VanScoyoc

Speakers: John VanScoyoc (SB/AL), Carlos Ridruejo (P14/AC), Steve Heikin (Planning Board), Scott Gladstone (P16), Carolyn Thall (P16), Nathan Shpritz (P16), Lee Biernbaum (P9), Kim Smith (P6)

Point of Order: Carolyn Thall (P16)

VOTED: To amend the Zoning By-Law as follows:

By amending Section 9.05.2, conditions that the Zoning Board of Appeals may attach to a special permit as deemed necessary to protect the neighborhood -- to add the following section:

“h. Requirements related to the construction phase of a project to mitigate potential adverse impacts to the neighborhood, which may include:

- i. detailed construction mitigation performance standards such as construction-related parking or standards, and requirements for safe pedestrian and bicycle passage;
- ii. details and frequency of communication from the applicant's construction liaison to certain abutters and/or the neighborhood generally;
- iii. an applicant-hosted webpage to include: links to approved plans, conditions, and other related documents approved by the Town; periodic construction updates; current construction contact's name, email, and phone number; the name, email, and phone number of any required third-party construction liaison; and a Town-provided construction guide of current enforcement agency contacts;
- iv. required on-site signage including a website for construction-related questions or concerns as well as an emergency phone number contact; and/or
- v. a third-party construction liaison directed by the Building Commissioner and paid for by the applicant, whose role will include but not be limited to: on-site presence in support of the Town's enforcement agencies at a frequency recommended by the Building Commissioner, referring complaints to the appropriate Department, tracking resolution of such complaints as a public record, and convening monthly meetings with neighbors to hear feedback and/or concerns with the project and update them of upcoming work. In addition, the construction liaison will identify a community liaison (within 30 days of when any construction activity is to commence) to whom they will provide twice-monthly project status updates and look-aheads regarding

construction activities. The community liaison shall be a Town Meeting Member in the impacted precinct and/or resident living within ¼ mile radius of the project.

Approved: AYE: 235 NO: 1 ABSTAINED: 2

MOTION to Adjourn, duly seconded

Approved

Night 5: June 2, 2022

- Call to order: 7:00P.M.
- Meeting called to order by Assistant Moderator Sandy Gadsby
- **Motion** to DEFER Article 34 to June 7
 - **Approved**

ARTICLES 28 and 29

[Debated Together]

Speakers: Jay Sweitzer-Shalit (Resident), Jessica Chicco (Resident), Harry Bohrs (P3/AC), Chi Chi Wu (P7), John VanScoyoc (SB/AL), Rebecca Stone (P3), Charlotte Bizup (Resident), Katherine Silbaugh (P1), Zsuzanna Kaldy (P11), Ana Albuquerque (P1), Cathleen Cavell (P1), Tommy Vitolo (State Representative/AL), Gideon Coltof (P6), Chuck Swartz (P9), Tommy Vitolo (State Representative/AL)

Point of Order: Michael Toffel (P8)

MOTION to terminate debate
Approved

ARTICLE 28

Home Rule Petition to expand local voting rights to sixteen and seventeen year-olds

Submitted by: Jay Sweitzer-Shalit

Motioned and duly seconded.

MOTION on Advisory Committee Substitute Motion
Failed: Aye 83 No: 139 Abstain: 18

Point of Order: Anne Weaver (P11)

MOVED that the Town authorize and empower the Select Board to petition the General Court for special legislation, as set forth below, in substantially the following form, for the purpose of granting 16 and 17 year old residents local voting rights:

AN ACT AUTHORIZING LOCAL VOTING RIGHTS FOR THOSE SIXTEEN AND SEVENTEEN YEARS OF AGE RESIDING IN BROOKLINE

Be it enacted by the senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding sections 1 and 47A of chapter 51 of the General Laws or any other general or special law to the contrary, any person eligible to vote in Brookline, except for age, who has reached the age of 16 years or older may register and vote in municipal elections within the Town.

SECTION 2. The Brookline Select Board, in consultation with the Town Clerk, is authorized to formulate regulations and guidelines to implement the purpose of this act.

SECTION 3. This Act shall take effect upon its passage.

Failed: AYE: 103 NO: 132 ABSTAINED: 10

ARTICLE 29

Home Rule Petition to expand local voting rights to permanent legal residents

Submitted by: Jay Sweitzer-Shalit

Motioned and duly seconded.

MOTION on Advisory Committee Substitute Motion

Failed: Aye 111 No: 112 Abstain: 20

NOTE: The vote on the Main Motion under Article 29 that occurred on Night 5 was deemed invalid. Article 29 was re-voted on Night 6

Point of Order: Nathan Shpriz (P16)

ARTICLE 16

Amend Article 4.07 – Table of Use Regulations of the Town’s Zoning By-Laws to provide a minimum depth to required ground floor non-residential space in multifamily buildings that are located in Local Business (L) and General Business (G) Zoning Districts.

Submitted by: Department of Planning and Community Development

Motioned and duly seconded.

Presented by: Linda Olson Pehlke

Speakers: Linda Olson Pehlke (P17/AC), John VanScoyoc (SB/AL), Steve Heikin (Planning Board), Paul Saner (P13), Wendy Friedman (P5), Kara Brewton (Planning Director)

VOTED To revise the Zoning Bylaw, Table 4.07 - Table of Use Regulations, Principal Use 6, Principal Use Column last sentence as follows (inserted text underlined; deleted text shown strikeout):

In L and G districts, the ground floor of a building must have at least 60% ~~no more than 40%~~ of its frontage along a street, to a depth of at least 15’, devoted to ~~residential use, including associated parking or lobby use.~~ uses not to include, residential, residential related and parking.

Approved: AYE: 224

NO: 7

ABSTAINED: 8

ARTICLE 17

Amend Article 6 of the Town's Zoning By-Laws to increase the requirements for electric vehicle-ready parking spaces

Submitted by: The Department of Planning and Community Development

Motioned and duly seconded.

Presented by: Carlos Ridruejo

Speakers: Carlos Ridruejo (P14/AC), Michael Sandman (SB/AL), Steve Heikin (Planning Board), Scott Englander (P6)

VOTED: To amend **Article VI-Vehicular Service Uses Requirements** of the Brookline Zoning By-Law as follows:

1 - By amending Section 6.00 with following new Paragraph 7 after Paragraph 6:

7. Parking facilities shall be equipped with EV Ready Spaces C or EV Ready Spaces R as defined in Section 6.10 or with EV Ready Spaces as defined in the latest edition of the Massachusetts State Building Code to provide scalable, reliable, and accessible EV charging, to implement the Town's sustainability policy, and to minimize the challenges associated with retrofits.

2 - By amending Section 6.04 deleting Paragraph 15 in its entirety (strike-through indicates deleted text):

~~15. ELECTRIC VEHICLES For Parking Areas, Non-residential and Residential, with 15 or more parking spaces, at least 15% of the total parking spaces, and not fewer than two parking spaces, shall be EV Ready Spaces. The definitions of EV Ready Space, Electric Vehicle, and Electric Vehicle Supply Equipment (EVSE) are as defined in the latest edition of the Massachusetts State Building Code. For additions and renovations to existing buildings, exceptions to this paragraph shall be consistent with the latest edition of the Massachusetts State Building Code.~~

3 - By amending Article VI adding the following new Section 6.10 after Section 6.09:

Section 6.10 – OFF-STREET EV READINESS

1. Definitions

Terms used in Section 6.10 shall be defined as follows. Capitalized terms in Section 6.10 not defined below shall be as defined in Article II.

- a. Massachusetts State Building Code - International Residential Code Volume (“MSBC-IRC”): The residential volume of the latest edition of the Massachusetts State Building Code, which regulates buildings including but not limited to:
 - 1. One-Family Dwellings three stories and under
 - 2. Two-Family Dwellings three stories and under
 - 3. Townhouses three stories and under
 - b. Massachusetts State Building Code - International Building Code Volume (“MSBC-IBC”): The volume of the latest edition of the Massachusetts State Building Code, which regulates buildings including but not limited to:
 - 1. Three-Family Dwellings of any number of stories
 - 2. Buildings four stories or more
 - 3. Buildings not covered by the International Residential Code
 - c. Electric Vehicle (“EV”) and Electric Vehicle Supply Equipment (“EVSE”) are as defined in the latest edition of the Massachusetts State Building Code, as may be amended.
 - d. Electric Vehicle Charging Space Commercial (“EV Ready Space C”): Pertains to buildings regulated by the MSBC-IBC. Each parking space shall be designed to accommodate Level 2 EVSE servicing EVs in one of the following standards:
 - 1. **Minimum Prescriptive Standard:** 100% of parking spaces are EV Ready Space as defined in the latest edition of the Massachusetts State Building Code.
 - a. For Sec. 6.10.1.d.1: If the latest edition of the MSB-IBC allows the installation of a 20-amp branch circuit for EV Ready Spaces as an exception, such installation shall be as follows: one individual 20-amp branch circuit at 240 volts per one parking space for a minimum of 100% of parking spaces.
- Or
- 2. **Minimum Performance Standard:** An Automatic Load Management System may be used to deliver a minimum of 1.92 kW of power each hour to

each EV Ready Space C or EVSE controlled by the ALMS, assuming that 100% of parking spaces are occupied by a charging EV. The installation of the ALMS and energized outlet(s) adjacent to EV Ready Spaces C is required to demonstrate compliance. The installation of EVSE is not required to demonstrate compliance.

- a. Alternatively, instead of an ALMS, use of Level 2 EVSE with dual ports meets the requirements of this Section, as long as the minimum power transfer to each parking space charging an EV meets the minimum power transfer per hour specified in the Minimum Performance Standard. Use of Level 2 EVSE with dual ports shall be installed to demonstrate compliance.

Or

3. A combination of (1) and (2) to serve 100% of parking spaces.
- e. Electric Vehicle Charging Space Residential (“EV Ready Space R”): Pertains to buildings regulated by the MSBC-IRC. At least one parking space per Dwelling Unit shall be equipped with one individual branch circuit rated for at least 50 amperes @ 208/240 volts for charging an EV, defined as Level 2 EV charging in the latest edition of the Massachusetts Electrical Code.
 - f. EV Ready Space: When the term EV Ready Space is used, it shall be as defined in the MSBC-IBC.
 - g. Automatic Load Management System (“ALMS”): An ALMS allows multiple EVSE to share a circuit or panel automatically reducing power at each EVSE when multiple EVs are charging concurrently as allowed by the latest edition of the Massachusetts Electrical Code. Where ALMS are used, EVSE shall:
 1. be fixed in place;
 - (2) have restricted access only by the means allowed in the latest edition of the Massachusetts Electrical Code;
 - 3) be sized and rated as required under the latest edition of Massachusetts Electrical Code; and
 - (4) In case of disruption of the ALMS, each EVSE served by the ALMS shall operate at a reduced level that allows all EVSE to operate concurrently without resulting in overcurrent conditions as specified in the latest edition of the Massachusetts Electrical Code.

- h. New Building: A building not in existence on the date the application for a building permit is received by the Building Department.
- i. Significantly Rehabilitated Residential Buildings regulated by the MSBC-IBC: The reconfiguration of space and/or building systems in which the Work Area exceeds 50% of the existing Gross Floor Area as defined by the MSBC-IBC, as may be amended.
- j. Significantly Rehabilitated Residential Buildings regulated by the MSBC-IRC: The reconfiguration of space and/or building systems in which the Work Area exceeds 75% of the existing Gross Floor Area as defined by the MSBC-IRC, as may be amended.
- k. Work Area: The aggregate area of those portions of a building affected by alterations for the reconfiguration of space or building systems, including new floor area added as a result of the alteration, as indicated in the drawings associated with a building permit application. Excluded from the calculation of Work Area are those portions of a building where only repairs, or refinishing or incidental work occur or where work not initially intended by the Applicant is specifically required by an inspector from the Building pursuant to the applicable building code.
- l. Level 2 EVSE or Level 2 EV Charging: Shall be as defined in the latest edition of the Massachusetts Electrical Code.

2. Applicable Uses and Requirements

- a. In stand-alone Residential Parking Areas or Parking Garages and Parking Areas or Parking Garages of New or Significantly Rehabilitated Residential Buildings regulated by the MSBC-IBC, a minimum of 100% of the total number of parking spaces shall be EV Ready Space C.
- b. In stand-alone Non-Residential Parking Areas or Parking Garages and Parking Areas or Parking Garages of New or Significantly Rehabilitated Non-Residential Buildings regulated by the MSBC-IBC and with seven parking spaces or more, at least 15% of the total number of parking spaces and not less than one shall be EV Ready Space as defined in the latest edition of the MSBC-IBC.
- c. In Residential Parking Areas or Parking Garages for One- and Two-Family Dwellings meeting the definitions of New Building or Significantly Rehabilitated Residential

Buildings regulated by the MSBC-IRC at least one parking space shall be EV Ready Space R.

- d. If the total number of existing parking spaces for Applicable Uses subject to Section 6.10 is increased or expanded by 10 parking spaces or more, the Requirements of Section 6.10.2 (b) shall apply.
- e. EV Ready Spaces, EV Ready Spaces C, and EV Ready Spaces R shall be maintained and shall remain functional for charging EVs.

3. Exemptions

The requirements of Section 6.10 shall not apply to:

- a. Uses 25, 25A, 26, 27, 28, and 28A in Section 4.07, Table of Use Regulations
- b. Parking Areas or Parking Garages that are separated from the meter by a public right-of-way;
- c. Loading Bays and Loading Facilities as specified in Sections 6.06 and 6.07;
- d. Waldo-Durgin Overlay District: The requirements of Section 6.10 shall not apply to any building being constructed subject to the Waldo-Durgin Overlay District as described in Section 5.06.4.k;
- e. Fisher Hill Special Overlay District: The requirements of Section 6.10 shall not apply to any building being constructed subject to the Fisher Hill Special Overlay District as described in Section 5.06.4.l.

4. Exceptions

Reserved

5. Waivers

The Board of Appeals may grant by Special Permit a reduction in whole or in part of the minimum number of EV Ready Spaces C required under Section 6.10 if the Board of Appeals grants or has granted a Special Permit pursuant to (a) Section 6.03.1.b or (b) Table 4.07 Use 22.

6. Rounding

Fractional numbers one-half (0.5) and above shall be rounded up to the nearest whole number.

7. Ventilation

Parking Areas and Parking Garages used for charging EVs indoors shall meet ventilation requirements as specified in the Massachusetts Electrical Code, Massachusetts Mechanical Code, and MSBC-IRC, as applicable. EVSE shall be installed as required per specifications of the EV manufacturer.

8. Materials Required for Plan Reviews, Site Plan Review and/or Design Review, Special Permit and Building Permit Applications:

For EV Ready Spaces R, plans stamped by a licensed and qualified electrician shall meet the Building Department's requirements for plan submissions and shall include an electrical service load calculation.

For EV Ready Spaces C and EV Ready Spaces, plans stamped by an electrical engineer shall meet the Building Department's requirements for plan submissions and shall include an electrical service load calculation.

9. Null and Void

If Section 6.10 is modified by any order, decree, decision, ruling, or other directive from the Massachusetts Office of the Attorney General or a court having jurisdiction, and the modification would have the effect of altering the impacts, effects, or standards of the Section in any way, then such order, decree, decision, ruling, or other directive shall instead have the effect of rendering the Section null and void in its entirety.

Approved: AYE: 231 NO: 2 ABSTAINED: 6

ARTICLE 18

Amend Articles 2 and 6 of the Town's Zoning By-Laws pertaining to Bicycle Parking and Design Regulations

Submitted by: The Department of Planning and Community Development

Motioned and duly seconded.

Presented by: Scott Ananian

Speakers: Scott Ananian (P10), Michael Sandman (SB/AL), Steve Heikin (Planning Board), Anthony Ishak (P1), Marion Freedman-Gursan (P9), Scott Ananian (P10), Maria Morelli (Planning Department), George Abbott White (P9), Michael Sandman (SB/AL)

MOVED that the Town will amend **Article II-Definitions** and **Article VI-Vehicular Service Uses Requirements** of the Brookline Zoning By-Law as follows:

1 – By amending Section 2.07 “G” DEFINITIONS (strike-through indicates deletion and underline indicates new text):

1. GROSS FLOOR AREA — The sum of the areas of all floors of all principal and accessory buildings whether or not habitable except as excluded. Gross floor area shall include enclosed porches and the horizontal area at each floor level devoted to stairwells and elevator shafts. Gross floor area shall exclude (a) portions of cellars, basements, attics, penthouses and historically and architecturally significant accessory buildings that are not habitable, provided however that space that has been decommissioned shall not be excluded from gross floor area; (b) except as required in §5.06, paragraph 4, subparagraph b (3) relating to the parking in Coolidge Corner and as required in §5.06, paragraph 4, subparagraph d (1)(c)(iv) relating to the parking in the GMR-2.0 District, any floor space in accessory buildings or in the main building intended and designed for parking of motor vehicles in order to meet the parking requirements of this By-law, provided, however, that for single and two-family dwellings the floor space thereby exempted from the calculation of gross floor area shall not exceed 360 square feet per required parking space; (c) elevator penthouses and mechanical equipment enclosures located above the roof, if not habitable; (d) necessary mechanical equipment space in the basement; ~~and~~ (e) up to 150 square feet of area in an accessory structure such as a garden or equipment shed; and (f) Bicycle Parking Spaces shall not count toward Gross Floor Area. Measurements shall be from the exterior faces of the walls or from the centerlines of the walls for adjoining buildings. For one-, two- and three-family buildings where the ceiling height measured from the finished floor to the ceiling exceeds 12 feet (including without limitation atriums, vaulted ceilings and cathedral ceilings), gross floor area shall be calculated by dividing by 12 the maximum ceiling height in such areas where the ceiling height exceeds 12 feet, and multiplying the result by the horizontal square footage in such areas where the ceiling height exceeds 12 feet. Space that has been decommissioned shall be included in the gross floor area of a building.

2 – By amending Article VI as follows (underline indicates new text):

ARTICLE VI - VEHICULAR AND BICYCLE SERVICE USES REQUIREMENTS

3 – By amending Section 6.01 as follows (strike-through indicates deletion)

2. Whenever there is an alteration of a structure or a change or extension of a use which increases the parking requirements by 15 percent or more according to the standards of §6.02 ~~and §6.05~~, the total additional parking requirements for the alteration, change, or extension shall be provided in accordance with the requirements of that section. The calculation of a 15 percent increased requirement shall be based on the aggregate of alterations, changes, or extensions undertaken since July 27, 1962, or since the effective date of any later change in the parking requirements applicable to the premises prior to any alteration, change or extension.

a. In SC, T, F, M, L, or G Districts, when a structure is converted for one or more additional dwelling units and the conversion results in an increased parking requirement, parking requirements for the entire structure shall be provided in accordance with the requirements of §6.02 and §6.05. However, the Board of Appeals by special permit under Article IX may reduce or eliminate the number of parking spaces required under §6.02 and §6.05.

4 - By amending Section 6.01 to add new Paragraph 6 after Paragraph 5:

6. Wherever else in this Zoning By-Law the term "parking" is used without specific reference to bicycle parking, such term shall refer only to parking for Motor Vehicles and not to bicycle parking.

5 – By amending Section 6.05 to delete Section 6.05 in its entirety and insert with new Section 6.05 (strike-through indicates deleted text).

~~§6.05 BICYCLE SPACE AND DESIGN REGULATIONS~~

~~1. Spaces for off street parking of bicycles shall be provided for the residents of each multi-family residential building in the amount of one space per five housing units or fraction thereof, not counting units having a ground floor entrance, and wherever else the Board of Appeals requires bicycle spaces as part of design review under Section 5.09.4.d "Circulation" and/or as transportation mitigation measures, subject to the further provisions of this section, § 6.01, and adopted Planning Board Bicycle Guidelines. The requirements of this section shall not apply to that portion of a housing development designed exclusively for elderly persons.~~

~~2. The design, location and maintenance of bicycle parking facilities shall be guided by the Bicycle Guidelines approved by the Planning Board pursuant to Section 5.09.4.n, Design Review Guidelines.~~

~~3. Changes in the requirements of this section, consistent with the intent of this Article, may be approved by the Board of Appeals for an individual building by special permit.~~

§6.05 OFF-STREET SPACE AND DESIGN REGULATIONS FOR BICYCLE PARKING

1. General

a. Bicycle Parking Areas and Spaces shall be regulated by Sec. 6.05 of the Zoning By-Law and the BICYCLE PARKING DESIGN STANDARDS maintained by the Building Commissioner separate from the Zoning By-Law.

b. Section 6.05 authorizes the Building Commissioner to:

1. set forth BICYCLE PARKING DESIGN STANDARDS;

2. enforce BICYCLE PARKING DESIGN STANDARDS, with all requirements of conformance to the BICYCLE PARKING DESIGN STANDARDS enforceable as though said STANDARDS were included in this Section; and

3. in conjunction with the Planning Director amend BICYCLE PARKING DESIGN STANDARDS consistent with contemporary industry practices for bicycle parking.

2. Definitions

Terms not defined in this Section shall be as defined in Article II and in the BICYCLE PARKING DESIGN STANDARDS.

- a. **Bicycle Parking Space:** A physical space at least 2 feet by 6 feet that securely stores one bicycle, including Electric Bicycles, and which may also be referred to as a Standard Bicycle Parking Space.

A **Large Bicycle Parking Space** is a physical space at least 3 feet by 10 feet that securely stores a bicycle larger than what can fit in a Standard Bicycle Parking Space, including but not limited to recumbent bicycles, cargo bicycles, bicycles with a trailer, bicycles with a child seat or child trailer, and tandem bicycles--all of which may referred to as Large Bicycles.

Large Bicycle Parking Spaces shall be prioritized for, but not reserved exclusively for, bicycles that accommodate the mobility needs of different users and the functions of different bicycles that do not fit in a Standard Bicycle Parking Space.

A Bicycle Parking Space of any size and any type shall be served by a Bicycle Rack, unless the Bicycle Parking Space is in a Bicycle Locker.

No part of a bicycle parked in a Bicycle Parking Space of any size or type shall create an obstruction in pedestrian aisles and drive aisles.

Bicycle Parking Spaces shall not be installed in the public way or Street without the approval and specifications of the Public Works Department.

Bicycle Parking Spaces of any size may be Long-Term or Short-Term.

- b. **Bicycle Parking Space, Long-Term:** A Bicycle Parking Space that serves users staying more than two hours at a site.
- c. **Bicycle Parking Space, Short-Term:** A Bicycle Parking Space that serves users staying less than two hours at a site.
- d. **Bicycle Parking Area:** A physical space not in the public way reserved for Bicycle Parking Spaces. Bicycle Parking Areas may be Long-Term or Short-Term.

- e. **Bicycle Parking Area, Long-Term:** An area meeting the performance criteria in the BICYCLE PARKING DESIGN STANDARDS that is (1) made up to Long-Term Bicycle Parking Spaces and (2) located in an unoccupied area in a building or an enclosed area within a Parking Garage or (3) served by a Bicycle Locker or Bicycle Shed
- f. **Bicycle Parking Area, Short-Term:** An area that is (1) made up Short-Term Bicycle Parking Spaces and (2) located on a private parcel and easily identified and accessed by the public.
- g. **Bicycle Locker:** A fixed-in-place, lockable container closed on all sides that is fabricated to industry standards and that shall meet all of the following performance criteria: (1) can accommodate one Long-Term Bicycle Parking Space, (2) is made of durable material, (3) is designed to fully protect the bicycle against inclement weather, (4) provides secure protection against theft, (5) opens sufficiently to allow bicyclists easy access, (5) has a perforated area to allow air flow for security and safety, and (6) is of a character and color that adds aesthetically to the immediate environment. Bicycle Racks are not required in Bicycle Lockers.

Bicycle Lockers shall be:

- 1. Stored within unoccupied areas within a Building or outside of a Building;
 - 2. Used only for the storage of bicycles;
 - 3. Prohibited in Short-Term Bicycle Parking Spaces; and
 - 4. Bicycle Lockers stored outside of a Building shall be considered Accessory Structures.
- h. **Bicycle Shed:** A covered and lockable enclosure that is fabricated to industry standards and that shall meet all of the following performance criteria: (1) can contain multiple Long-Term Bicycle Spaces equipped with Bicycle Racks, (2) provides secure protection against theft, (3) provides at least overhead protection against inclement weather, (4) opens sufficiently to allow bicyclists easy access and (5) is of a character and color that adds aesthetically to the immediate environment.

Bicycle Sheds shall be:

- 1. Stored within unoccupied areas within a Building or outside of a Building;
 - 2. Used only for the storage of bicycles;
 - 3. Prohibited in Short-Term Bicycle Parking Spaces; and
 - 4. Bicycle Sheds stored outside of a Building shall be considered Accessory Structures.
- i. **Bicycle Rack also Rack**

One Bicycle Rack shall serve one or two Bicycle Parking Spaces of any type as long as the minimum distance between Racks complies with the manufacturer's specifications or the BICYCLE PARKING DESIGN STANDARDS.

Racks are not required in Bicycle Lockers.

Acceptable Racks shall include Post-and-Ring and Inverted-U and equivalent versions of these aforementioned types and shall meet the performance criteria specified in the BICYCLE PARKING DESIGN STANDARDS.

- i. **Bicycle Rack, High-Density:** Racks installed that require bicycles to be hung on a wall (Vertical Bicycle Racks) or lifted off the floor (Two-Tier Bicycle Racks)
 - j. **Electric Bicycle:** Shall be as defined as under Massachusetts General Laws. In the absence of a definition in Massachusetts General Laws, Electric Bicycle shall be as defined under federal law.
 - k. The terms “**Motor Vehicle(s)**,” “**Motorized Bicycle(s)**,” “**Motorcycle(s)**,” “**Motorized Scooter(s)**,” and “**Moped**” shall be as defined under Massachusetts General Laws. Such categories of vehicles with the exception of Electric Bicycles shall be prohibited from parking in Bicycle Parking Spaces.
3. Bicycle Parking Spaces and Areas: Applicable Uses and Requirements
- a. Long-Term Bicycle Parking Spaces are required in Residential Uses with 8 units or more.
 - b. Any quantity of Bicycle Parking Spaces, Short-Term or Long-Term, that are provided though not required under **Table 6.05-1** shall comply with the requirements of Sec. 6.05 and the BICYCLE PARKING DESIGN STANDARDS, unless otherwise specified.
 - c. At least 75% of Long-Term Bicycle Parking Spaces shall be on the ground and secured with either an Inverted U Rack or Post-and-Ring Rack. One Inverted U Rack or Post-and-Ring Rack may serve one or two Bicycle Parking Spaces, as long as the required minimum distance between Racks complies with the BICYCLE PARKING DESIGN STANDARDS.
 - d. Required Minimum Quantity of Bicycle Parking Spaces

Table 6.05-1			
General Use Category	Building Use	Number of Long-Term Bicycle Parking Spaces	Number of Short-Term Bicycle Parking Spaces

Residential Uses	1 to 7 Dwelling Units, including Accessory Dwelling Units	No Minimum	No minimum
	Multiple Dwellings, 8 units and above	1.1 per Dwelling Unit	
	Multiple Dwellings in which at least 100% of total units are Affordable Units as defined in Sec. 4.08	0.5 per Dwelling Unit	
	Age Restricted Dwelling	0.5 per Dwelling Unit	
	All Other Residential Uses	No Minimum	
Non-Residential Uses	All	No Minimum	

e. Large Bicycle Parking Spaces

1. Required Minimum Quantity: Where 16 or more Long-Term Bicycle Parking Spaces are required, the required minimum quantity of Large Bicycle Parking Spaces shall be 5% of the total number of Long-Term Bicycle Parking Spaces Required and no fewer than 2.
2. All Large Bicycle Parking Spaces shall be on the ground with the bicycle frame horizontal to the ground and shall be equipped with either an Inverted U Rack or Post-and-Ring Rack.
3. Large Bicycle Parking Spaces shall be prioritized for, but shall not be restricted to, parking Large Bicycles.
4. Large Bicycle Parking Spaces shall count toward the required minimum quantity of Long-Term Bicycle Parking Spaces specified in Table 6.05-1.

f. High-Density Bicycle Parking Spaces

1. No more than 25% of Long-Term Bicycle Parking Spaces shall be High-Density Racks.
2. Clearances above, below, and around Vertical Bicycle Racks or Two-Tier Bicycle Racks shall comply with the manufacturers' instructions.

3. High-Density Bicycle Racks shall be prohibited in Short-Term Bicycle Parking Spaces.
- g. Any Short-Term Bicycle Parking Spaces that are provided voluntarily or are required shall not count toward the number of required Long-Term Bicycle Parking Spaces.
4. Required Materials for Plan Reviews, Site Plan and/or Design Review, and Special Permit and Building Applications

Plans for Bicycle Parking Areas, Long-Term and Short-Term, shall be stamped and signed by a registered architect, professional engineer, qualified transportation planner or transportation designer certifying that such plans meet the performance criteria and requirements of Sec. 6.05 the BICYCLE PARKING DESIGN STANDARDS. Such plans shall also show compliance with any and all applicable State Building and Fire Codes.

5. Layout Standards for All Bicycle Parking Areas, Bicycle Parking Spaces, Clearances, and Aisles

Plans for Bicycle Parking Areas shall be stamped by a registered architect, professional engineer, qualified transportation planner or transportation designer showing evidence of compliance with dimensions recommended by the Rack, Bike Locker, and/or Bicycle Shed manufacturer for layout of Racks; clearances above, below, around, and between Racks; slope of and widths of the aisle used by a pedestrian walking a bicycle. In lieu of a manufacturer's specifications for layout for Bicycle Parking Spaces and Racks, Bicycle Parking Areas shall comply with the minimum standards indicated in the BICYCLE PARKING DESIGN STANDARDS and shall not conflict with the latest edition of the Massachusetts State Building Codes.

6. Exemptions

Uses indicated in Table 6.05-1 are exempt from required minimum quantities only. Any Short-Term and Long-Term Bicycle Spaces provided shall comply with Sec. 6.05 and the BICYCLE PARKING DESIGN STANDARDS.

7. Exceptions and Waivers

- a. The Board of Appeals may waive by Special Permit up to one-half the bicycle parking spaces required in the following cases as long as the change or conversion does not meet the definition of demolition as defined in Article 5.3 of the General By-Laws:

1. conversion to residential use with eight units or more, or
2. an existing residential use with at least seven units or more in which the number of dwelling units is increased by one or more

- b. Use of High-Density Bicycle Racks, Bicycle Lockers, and Bicycle Sheds are permitted in compliance with Sec. 6.05 and the BICYCLE PARKING DESIGN STANDARDS.

8. Rounding

Fractional numbers one-half (0.5) and above shall be rounded up to the nearest whole number.

Approved: AYE: 229 NO: 1 ABSTAINED: 8

ARTICLE 25

Amend the Town's General By-Laws to ban single use plastics

Submitted by: Clint Richmond TMM6, Louise Bowditch, Deane Coady

Motioned and duly seconded.

Presented by: Clint Richmond

Speakers: Clint Richmond (P6), Miriam Aschkenasy (SB/AL), Janice Kahn (P15/AC), Anthony Ishak (P1), Bettina Neuefeind (P1), Louise Bowditch (Resident), Lauren Bernard (P17), Natalia Linos (P6), Alexander Lebovitz (P8), Sigalle Reiss (Health Commissioner), Michael Berger (P15), Clint Richmond (P6), Joshua Blouwolff (P11), Aone Wang (P8), Erin Gallentine (Commissioner of Public Works), Natalia Linos (P6), Erin Gallentine (Commissioner of Public Works), Cathleen Cavell (P1)

MOTION to terminate debate

Approved

VOTED: MOTION to REFER

Failed: Aye: 62 No: 174 Abstained: 7

VOTED: That the Town amend the General Bylaws by adding the following Article:

ARTICLE 8.XSINGLE-USE PLASTIC PRODUCTS

ARTICLE 8.X.1 DEFINITIONS

Glitter: decorative particles that are shiny or reflective and less than six (6) millimeters along the longest dimension.

Single-use plastic (SUPs) products: plastic products or primary packaging that are generally used only once.

ARTICLE 8.X.2 RESTRICTIONS

(a) No retailer shall sell or distribute:

- (1) plastic ear swabs,
- (2) over-the-counter cosmetic or health and beauty aid products that contain plastic glitter,
- (3) plastic balloon sticks,
- (4) alcoholic beverages in plastic bottles that are 100 ml or less in volume.

(b) No retailer shall sell or distribute single-use plastic products as may be identified in regulations promulgated by the Select Board to further the purposes of this Bylaw, following a duly noticed public hearing.

ARTICLE 8.X.3 EXCLUSIONS

(a) This by-law does not regulate prescription products.

(b) This by-law does not apply to businesses that are primarily service businesses such as restaurants, medical and dental offices, and hair and nail salons.

ARTICLE 8.X.4 ENFORCEMENT

The Brookline Department of Public Health shall be responsible for enforcement and any regulation.

This by-law shall not be enforced until the later of (i) twelve months after the Town's compliance with Chapter 40, section 32 of the General Laws regarding the action or failure to act of the Attorney General with respect thereto, or (ii) July 1, 2023.

ARTICLE 8.X.5 SEVERABILITY

If any provision(s) of this article is held to be invalid, such provision(s) shall be severable and the remaining sections shall be valid.

And amend section 10.2 PROSECUTIONS AND ENFORCEMENT as follows:

DIRECTOR OF HEALTH & HUMAN SERVICES

Part VIII-Public Health & Safety

Articles 8.1, 8.2, 8.3,

8.4, 8.6, 8.7,

8.8, 8.9,

8.10,8.11,
8.12,8.13,
8.14, 8.15,
8.16, 8.22,
8.23, 8.32,
8.37, 8.38

By adding this article number to the list of Articles following “8.38”.

And amend section 10.3 NON-CRIMINAL DISPOSITION to include the following enforcement schedule:

ARTICLE 8.XSINGLE-USE PLASTIC PRODUCTS BY-LAW

Per product:

Initial Violation	Warning
First Offense	\$50.00
Second and Subsequent	\$100.00

Approved: AYE: 214 NO: 18 ABSTAINED: 10

MOTION to Adjourn, duly seconded
Approved

Night 6: June 7, 2022

- Special Town Meeting Call to order: 7:00PM
- Meeting called to order by Assistant Moderator Sandy Gadsby
- Vote Corrections announced by Assistant Moderator Gadsby
- Point of Order: Marty Rosenthal (P9)
- Explanation of voting procedures

ARTICLE 29 (Continued)

Home Rule Petition to expand local voting rights to permanent legal residents

Speakers: Jessica Chicco (Resident), Neil Gordon (P1)

VOTED: that the Town authorize and empower the Select Board to petition the General Court for special legislation, as set forth below, in substantially the following form, for the purpose of granting noncitizens who are permanent legal residents local voting rights:

AN ACT AUTHORIZING LOCAL VOTING RIGHTS FOR PERMANENT LEGAL RESIDENTS RESIDING IN BROOKLINE

Be it enacted by the senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding section 1 of chapter 51 of the General Laws or any other general or special law, rule or regulation to the contrary, any noncitizen permanent legal resident who is of the age of eligibility for voting in local elections in Brookline and who is a resident of Brookline may register and vote in municipal elections within the Town of Brookline.

SECTION 2. The Brookline Select Board, in consultation with the Town Clerk, is authorized to formulate regulations and guidelines to implement the purpose of this act.

SECTION 3. For the purposes of this act, a permanent legal resident is a non-U.S. citizen residing in the Town of Brookline who has duly qualified for and been granted, according to the immigration laws of the United States of America, the status of lawful permanent residence authorizing them to live permanently in the United States.

SECTION 4. This act shall take effect upon its passage.

Approved: AYE: 145 NO: 83 ABSTAINED: 9

ARTICLE 34

Resolution regarding transparency during Town Meeting deliberations

Submitted by: Kate Silbaugh (TMM P1), Bettina Neufeind (TMM P1), Amy Hummel (TMM P12), Gina Hahn (TMM P3), Cathleen Cavell (TMM P1), Petra Bignami (TMM P12), Ana Albuquerque (TMM P1)

Motioned and duly seconded.

Presented by: Kate Silbaugh

Speakers: Kate Silbaugh (P1), Chi Chi Wu (P7), Neil Gordon (P1/AC), Jennifer Goldsmith (P11), Daniel Saltzman (P6), Lee Biernbaum (P9), Gina Hahn (P3), Anthony Flint (P5), Amy Hummel (P12), Marissa Vogt (P6), Bettina Neuefeind (P1), Bonnie Bastien (P5), Paul Warren (P1), Scott Ananian (P10), Natalia Linos (P6), Mark Levy (P7)

MOTION to terminate debate

Approved

VOTED that the Town adopt the following resolution:

WHEREAS electronic communications are an innocent social practice, but it is our job to give fresh reflection to the role of electronic channels in a transparent public governance;

WHEREAS sunlight, and our own accountability, can sometimes mean exercising an unnatural-feeling self-restraint within the comfortable familiarity of our electronic communications;

WHEREAS Town Meeting is a deliberative body elected to evaluate matters of Town governance;

WHEREAS Town Meeting is a democratic body with the authority to vote on bylaws and resolutions that impact residents of the Town and others;

WHEREAS deliberative bodies engage in public reasoning to improve the quality of their work and to ensure that democratic processes can perform their accountability function;

WHEREAS deliberation among decision-makers during proceedings of such bodies should be transparent to the public and to other members of the deliberative body in support of accountability and the creation of a public record;

WHEREAS many Town Meeting members and Town residents aspire to achieve transparency in government decision-making processes;

WHEREAS Town Meeting members may be trusted to discern the distinction between appropriate de minimis consultation with a friend or a handful of colleagues to clarify a vote and conducting a large-scale private conversation that can function intentionally or unintentionally as a separate deliberation invisible to the public;

WHEREAS all Town Meeting members have a right of speech and association that includes private conversations in large or small groups;

WHEREAS the Massachusetts Open Meeting Law, which does not apply to Town Meeting, is an established example of the legality of creating speech and association constraining transparency rules that apply during a deliberation of individuals with authority to make official decisions;

WHEREAS a resolution of Town Meeting reflects the values of the Town, it does not have the legal force of the Open Meeting Law and is therefore less entangled with the First Amendment than the Open Meeting Law;

WHEREAS deliberative bodies routinely make rules of proceeding to improve deliberation; WHEREAS the Moderator enforces those rules of deliberation;

WHEREAS the Town Meeting Handbook has long restricted the use of electronic devices solely to accessing the Combined Reports and the Warrant;

WHEREAS hybrid or online meetings prevent the Moderator, Town Meeting members, or the public from seeing groups of Town Meeting members physically convening for side discussions;

WHEREAS the ability to see each other, and for the public to see Town Meeting members, in an in- person Town Meeting places some constraint on large-scale private deliberations, and this is not possible in a remote meeting;

WHEREAS culture shifts in communication modes enabled by new technologies require mindfulness to unintended impacts on the core need for transparency in deliberations in a democracy;

WHEREAS the lack of transparency in electronic conversation is emerging as an issue in other deliberative bodies similarly grappling with the democratic consequences of the culture shift to electronic communications;

WHEREAS under Massachusetts law the rational basis of a warrant article includes the written explanation and the public deliberations that occur during the Town Meeting session itself, and therefore the public deliberations of Town Meeting have legal significance;

NOW THEREFORE BE IT RESOLVED THAT: All large-scale communications occurring during Town Meeting deliberations be made transparent to the public and to other town meeting members in real time, and that Town Meeting members will refrain from more than de minimis communications with each other during Town Meeting sessions if those communications do not create a concurrent transparent public record.

Approved: AYE: 117

NO: 112

ABSTAINED: 14

ARTICLE 26

Amend Article 3.16 of the Town's General By-Laws pertaining to the Park and Recreation Commission

Submitted by: Deborah Brown, P1, Kimberly Richardson, P2, Luciana Schachnik, Arthur Conquest, Emy Takinami, Wendy MacMillan, Tamu Jackson, Kristin Singleton, Lauren Bernard, Donelle O'Neal, Sr.

Motioned and duly seconded.

Presented by: Kimberley Richardson

Speakers: Video from Brookline Students, Carla Benka (P14/AC), Kimberley Richardson (P2), John VanScoyoc (SB/AL), Anne Greenwald (P8), Neil Gordon (P1), Miriam Aschkenasy (SB/AL), Harry Bohrs (P3), Michael Jacobs (Resident), Wendy Sheridan Ames (P5), Carlos Tamayo (P2), Linda Pehlke (P17), Lauren Bernard (P17), Nancy O'Connor (Resident)

MOTION to terminate debate

Approved

MOVED: To refer the subject matter of Article 26 to the Park and Recreation Commission with a request to report back to the Fall 2022 Town Meeting

Approved: AYE: 127

NO: 113

ABSTAINED: 4

ARTICLE 27

Amend Article 8.31 of the Town's General By-Laws pertaining to leaf blowers

Submitted by: Don Warner, Virginia Smith, Clint Richmond and Maura Toomey

Motioned and duly seconded.

Presented by: Donald Warner

Speakers: Donald Warner (P13), Stephen Reeders (AC), Andrew Fischer (P13), Linda Pehlke (P17), Benedicte Hallowell (P15), Shira Fischer (P11), Faith Michaels (Resident), Anita Johnson (P8), Mark Gerber (P13)

MOTION to Terminate Debate

Approved

VOTED: That the Town will amend Article 8.31 of the General Bylaws, as follows (~~struck through~~ text is to be deleted and **bold underlined** text is to be added:

SECTION 8.31.1: STATEMENT OF PURPOSE

The reduction of noise and emissions of particulate matter resulting from the use of leaf blowers as well as reducing the use of gasoline and oil fuels, and reducing carbon emissions into the environment are public purposes of the Town, as are

protecting the health, welfare and environment public purposes of the Town. Therefore, this warrant article shall limit and regulate the use of leaf blowers as defined and set forth herein.

ARTICLE 8.31.2 DEFINITIONS

(a.) “Leaf Blowers” governed by this By-law are defined as any portable powered machine used to blow leaves, dirt and other debris off lawns, sidewalks, driveways, and other horizontal surfaces. **This includes Leaf Blowers on wheels, commonly known as “walk-behinds”.**

b. “Property Owner” as used in this By-law shall mean the legal owner of record of real property as listed by the tax assessor’s records.

c. “Property Manager” shall mean any tenant in possession or person or entity in control of real property, including, but not limited to, a condominium association.

d. “User” means the person or entity using the Leaf Blower at the time of the violation.

(e.) “Commercial Operator” means any individual or entity providing landscaping, yard cleaning or maintenance services for a fee.

ARTICLE 8.31.3 LIMITATIONS ON USE

(a.) No Property Owner or Property Manager shall authorize or permit the operation of Leaf Blowers on property under their control, nor shall any person operate a leaf blower, except between March 15th and May 15th and between October 1st and December 31st in each year, and except for Leaf Blowers powered by electricity which are exempt from this seasonal usage limitation. The provisions of this Section 3.a. shall not apply to nonresidential property owners but only with respect to parcels of land that contain at least five acres of open space.

(b.) No Property Owner or Property Manager shall authorize or permit the operation of Leaf Blowers on property under their control, nor shall any person operate a leaf blower, except between the hours of 8 (eight) A.M. to 8 (eight) P.M. Monday through Friday, and from 9 (nine) A.M. to 6 (six) P.M. on Saturdays, Sundays and legal holidays.

(c.) On land parcels equal to or less than 7,500 seven thousand five hundred) square feet in size, no Property Owner or Property Manager or User shall operate or authorize the operation of more than 2 (two) gas-powered Leaf Blowers on such property simultaneously. This limitation shall also apply to sidewalks and roadways contiguous to such parcel.

(d.) No Property Owner or Manager shall authorize the operation of any Leaf Blower and no person shall operate a Leaf Blower which does not bear an affixed manufacturer’s label or a label from the Town indicating the model number of the leaf blower and designating a noise level not in excess of sixty-seven (67) dBA when measured from a distance of fifty feet utilizing American National Standard Institute (ANSI) methodology on their property. Any leaf blower bearing such a manufacturer’s label or Town label shall be presumed to comply with the

approved ANSI Noise Level limit under this By-law. However, Leaf Blowers must be operated as per the operating instructions provided by the manufacturer. Any modifications to the equipment or label are prohibited. However, any Leaf Blower(s) that have been modified or damaged, as determined visually by anyone who has enforcement authority for this By-law, may be required to have the unit tested by the Town as provided for in this section, even if the unit has an affixed manufacturer's ANSI or Town label. The Controller of any leaf blower without a manufacturer's ANSI label on such equipment may obtain a label from the Town by bringing the equipment to the town's municipal vehicle service center or such other facility designated by the Town for testing. Such testing will be provided by the Town's designated person for no more than a nominal fee (which shall be non-refundable) and by appointment only at the Town's discretion. If the equipment passes, a Town label will be affixed to the equipment indicating Decibel Level. In the event that the label has been destroyed, the Town may replace it after verifying the specifications listed in the Controller's manual that it meets the requirements of this By-law.

(e.) A Commercial Operator must be permitted by the Department of Public Works prior to operating, or allowing any other person to operate, Leaf Blowers in Brookline. The permit must be applied for annually, and is subject to conditions, revocation, and suspension.

(f.) The Department of Public Works shall make available to all Property Owners or Managers a list of the permitted Commercial Operators. Property Owners or Managers will be subject to the penalties listed in 8.31.8 if the Commercial Operator they employ are not permitted by the Department of Public Works.

(g.) Commercial Operator must train all employees on the provisions of this Article 8.31 and provide them with a copy of the By-law.

(h.) Commencing March 15, 2026 2026, no gas-powered Leaf Blowers shall be used on any properties with less than one acre of open space (as defined in the Town's zoning by-law), except the Town may operate gas-powered Leaf Blowers at any time for life-safety uses, such as clearing sidewalks, streets and school grounds.

The provisions of this Article 8.31.3 shall not apply to the use of leaf blowers by the Town, its employees or contractors while performing work for the Town.

SECTION 8.31.4: REGULATIONS

a. The Commissioner of Public Works shall have the authority to promulgate regulations to implement the provisions of this By-law, subject to the approval of the Select Board.

b. The Commissioner of Public Works shall have the authority to waive temporarily any of the limitations on the use of Leaf Blowers set forth in this By-law in order to aid in emergency operations and clean-up associated with severe storms. In the event of issuing a temporary waiver, the Commissioner of Public Works shall post a notice prominently on the Town of Brookline's internet home page and make other good faith efforts to notify the public including, but not limited to, social media.

SECTION 8.31.5: DUTIES AND RESPONSIBILITIES OF TOWN DEPARTMENTS**a. Departmental Actions**

All Town departments and agencies shall, to the fullest extent consistent with other laws, carry out their programs in such a manner as to further the objectives of this By-law.

b. Departmental Compliance with Other Laws

All Town departments and agencies shall comply with federal and state laws and regulations to the same extent that any person is subject to such laws and regulations.

c. Town Exemption

The Department of Public Works shall be exempt for day and night time operations for routine maintenance. However, the DPW shall make every effort to reduce noise in residential areas, particularly during the limited use hours set forth in Section 8.31.3.b of this By-law and transition from gas-powered to battery-powered leaf blowers to the extent that their operations and budget permit.

d. Town Leaf Blower Equipment

Prior to purchasing new equipment, the Town must consider equipment with the lowest Decibel rating for the performance standard required.

SECTION 8.31.6: PERMITS FOR EXEMPTIONS FROM THIS BY-LAW

(a) The Select Board, or its designee, may grant a special permit to a Property Owner or Property Manager:

- (i) for any activity otherwise prohibited under the provisions of this By-law,
- (ii) for an extension of time to comply with the provisions of this By-law and any abatement orders issued pursuant to it,
- (iii) when it can be demonstrated that bringing a source of noise into compliance with the provisions of this By-law would create an undue hardship on a person or the community. A Property Owner or Manager or seeking such a permit should make a written application to the Select Board, or its designee. The Town will make reasonable efforts to notify all direct abutters prior to the date of the Select Board's meeting at which the issuance of a permit will be heard.

(b) The Select Board, or designee, may issue guidelines defining the procedures to be followed in applying for a special permit.

The following criteria and conditions shall be considered:

- (1) the cost of compliance will not cause the applicant excessive financial hardship;
- (2) additional noise will not have an excessive impact on the public.
- (3) the permit may require portable acoustic barriers during night use.
- (4) the guidelines shall include reasonable deadlines for compliance or extension of non-compliance.
- (5) the number of days a person seeking a special permit shall have to make written application after receiving notification from the Town that they are in violation of the provisions of this By-law.

(6) If the Select Board, or its designee, finds that sufficient controversy exists regarding the application, a public hearing may be held. A person who claims that any special permit granted under (a) would have adverse effects may file a statement with the Select Board, or designee, to support this claim.

SECTION 8.31.7: HEARINGS ON APPLICATION FOR SPECIAL PERMITS
Resolution of controversy shall be based upon the information supplied by both sides in support of their individual claims and shall be in accordance with the procedures defined in the appropriate guidelines, if any, issued by the Select Board, or designee.

ARTICLE 8.31.8 ENFORCEMENT AND PENALTIES

(a.) **The Town shall require permits from all Commercial Operators doing business in Brookline with penalties for those who do not have permits.**

(b.) Violations of this By-law shall be subject to the following penalties:

- 1) For the first violation ~~in each calendar year~~ a written warning will be issued.
- 2) For second and subsequent **violations** in each calendar year, both the Property Owner and the User shall be fined according to the table below:

	Property Owner or Property Manager	User Commercial Operator, if other than Property Owner or Property Manager
First Offense	Written Warning	Written Warning
Second Offense	\$50.00 <u>\$200.00</u>	\$50.00 <u>\$200.00</u>
Third Offense	\$100.00 <u>\$300.00</u>	\$100.00 <u>\$300.00</u>
Fourth Offense	Suspension of permit	Suspension of permit
Each Subsequent Offense	\$150.00 <u>\$300.00</u>	\$150.00 <u>\$300.00</u>

Penalties are accrued in total regardless of location. These penalties are also accrued and rolled-over from year to year.

- 3) Applicable court costs for any enforcement action taken.

ARTICLE 8.31.10 SEVERABILITY

If any provision(s) of this article is held to be invalid, such provision(s) shall be severable and the remaining sections shall be valid.

Failed:

AYE: 95

NO: 127

ABSTAINED: 18

ARTICLE 30

Resolution regarding eliminating the parking requirement at the Kent/Station Street Senior Affordable Housing Development

Submitted by: Jeff Wachter; Carol Caro; Jennifer Raitt, TMM P4; Mariah Nobrega, TMM P4; Deborah Brown, TMM P1

Motioned and duly seconded.

Presented by: Michael Sandman

Speakers: Michael Sandman (SB/AL), Jeff Wachter (Resident), Henry Winkelman (Resident), Alisa Jonas (P16/AC), Roger Blood (Resident), Paul Saner (P13), Susan Healy (Non-Resident)

MOTION to Terminate Debate

Approved

VOTED: That the Town adopt the following resolution:

WHEREAS Town Meeting passed a resolution in 2016 to study the feasibility of building age-restricted affordable housing on the Kent/Station Street Town-owned lot (Parcel No. 140-05-00);

WHEREAS the Committee was formed, including a stipulation in their mission to retain all of the public parking on site, and, following a request for proposals issued by the Town, a developer was selected;

WHEREAS the cost to maintain the 39 parking spaces is estimated to cost millions more than initially proposed and will require the Town of Brookline to subsidize that amount in full;

WHEREAS Brookline is a member of the World Health Organization's international network of Age-Friendly Cities and has committed to taking meaningful actions toward becoming a more age-friendly community;

WHEREAS Brookline has an aging population in need of a substantial expansion of Brookline's supply of housing suitable for seniors;

WHEREAS Brookline's need for more housing that is affordable to seniors who make a low-to-moderate income is as acute as it was in 2016;

THEREFORE, be it resolved, that this Town Meeting urges the Town to pursue affordable senior rental housing on the Kent/Station Street site (Parcel No. 140-05-00) in a manner that is cost-efficient for the Town. A revised RFP will be issued only after the Town's Department of Planning and Community Development and the Transportation Board after appropriate study

have secured adequate sites during construction and upon completion for the 37 permitted merchant full-day public parking spaces and 2 Zipcar spaces currently located on the Kent/Station Street lot, whether or not located on the site, and with only potentially removing a limited number of metered public parking spaces currently available in Brookline Village. Adequacy shall be determined by the Transportation Board and EDAB after holding public hearings.

Approved: AYE: 190 NO: 28 ABSTAINED: 19

MOTION to Adjourn, duly seconded
Approved

Night 7: June 8, 2022

- Special Town Meeting Call to order: 7:00PM
- Meeting called to order by Assistant Moderator Sandy Gadsby
- Vote Corrections announced by Assistant Moderator Gadsby
- Point of Order: Martin Yaseen (P17)
- Question of Privilege: Martin Rosenthal (P9)
- Question of Privilege: Lee Biernbaum (P9)
- **Motion** to move Article 35 to June 8.
 - Speakers: Tommy Vitolo (State Representative/AL)
 - **Approved**

ARTICLE 35

Resolution regarding the TMM Email List

Submitted by: Marissa Vogt (TMM 6), Mike Toffel (TMM 8), and Jonathan Klein (TMM 17)

Motioned and duly seconded.

Presented by: Marissa Vogt

Speakers: Marissa Vogt (P6), Kelly Hardebeck (P7/AC), Harry Friedman (P12), Jonathan Klein (Resident), George Abbott White (P9), Joe Callanan (Town Counsel)

Point of Order: Christina Kovach (P8)

Speakers: Alexander Lebovitz (P8), Richard Nangle (P15)

Question of Privilege: Paul Warren (P1)

Point of Order: Christine Kovach (P8)

Speakers: Martin Yaseen (P17), Joe Callanan (Town Counsel)

Point of Order: Anne Weaver (P11)

Point of Order: Christina Kovach (P8)

Speakers: Jennifer Goldsmith (P11), Harry Friedman (P12)

Point of Order: Martin Rosenthal (P9)

MOTION to Terminate Debate

Approved

VOTED: that the Town adopts the following Resolution:

WHEREAS transparency is vital to a functioning democracy; and

WHEREAS the Town Meeting Members Association (TMMA) maintains an e-mail list for communications among members of Town Meeting that is not currently readable by the general public; and

WHEREAS messages sent to the TMMA e-mail list include substantive discussion about warrant articles and other Town business, updates about Town Meeting schedules and procedures, announcements from the Moderator, and other information of relevance to the general public; and

WHEREAS technology exists that makes group e-mail messaging easy, free, secure, and readable by the general public; and

WHEREAS allowing the general public to read messages sent to the TMMA e-mail list would better inform the public about issues facing the Town, Town Meeting procedures, and the viewpoints of elected Town Meeting representatives.

NOW THEREFORE BE IT RESOLVED THAT:

The Town Meeting Members Association (TMMA) Board should take necessary action to ensure that, by no later than September 1, 2022, all future messages sent to the TMMA e-mail list shall be publicly readable.

Approved: AYE: 113 NO: 98 ABSTAINED: 23

ARTICLE 31

Resolution regarding opposition to the state ballot question on defining and regulating App-Based Drivers

Submitted by: Ryan Black, TMM6

Motioned and duly seconded.

Presented by: Ryan Black
Speakers: Ryan Black (Resident), Michael Sandman (SB/AL), Katherine Florio (P10), Valerie Loveland (Resident), Rahim Abbasi (Resident), Tommy Vitolo (State Representative/AL)

MOTION to Terminate Debate
Approved

VOTED That the Town adopt the following resolution:

Resolution opposing state ballot question on defining and regulating app-based drivers

WHEREAS, on the November 2022 ballot, there will be a state ballot question which if approved would define rideshare company drivers as independent contractors; and

WHEREAS, independent contractors are entitled to far fewer benefits and workplace protections than employees; and

WHEREAS, corporations like Uber, Lyft, and DoorDash are pushing for Massachusetts voters to make this change; and

WHEREAS, such a change in employment status and labor law would prevent ride-share drivers from legally being able to unionize in the future; and

WHEREAS, everyone should be entitled to a living wage, decent working conditions, and bargaining power in the workplace;

NOW THEREFORE BE IT RESOLVED THAT Brookline Town Meeting expresses its strong disapproval of defining rideshare company drivers as independent contractors; and

BE IT FURTHER RESOLVED that Brookline Town Meeting asserts that corporate interests shouldn't be allowed to dictate public policy by bankrolling campaigns that diminish workers' rights; and.

BE IT FURTHER RESOLVED that Town Meeting encourages the people of Brookline (and the larger Commonwealth) to vote no on the November 2022 ballot question seeking to make this change.

Approved: AYE: 190 NO: 11 ABSTAINED: 23

ARTICLE 32

Resolution regarding calling for an end to the US embargo of Cuba

Submitted by: Ryan Black, TMM6

Motioned and duly seconded.

Presented by: Ryan Black

Speakers: Ryan Black (Resident), Peter Miller (Resident)

VOTED: That the Town adopt the following resolution calling for an end to the US's embargo of Cuba:

WHEREAS, since March 14, 1958, the United States has maintained against Cuba the most long-lasting trade embargo in our nation's history; and

WHEREAS, on December 17, 2014, US President Barack Obama and former Cuban President Raul Castro agreed to reestablish diplomatic relations and cooperation between the two nations on various matters of mutual interest; and

WHEREAS, despite executive decisions by President Obama to relax some prohibitive regulations, large portions of the embargo pertaining to trade and travel persist; and

WHEREAS, full restoration of trade and travel between the two countries would be of great benefit to both Cuba and the US, including with regards to education, healthcare, economic opportunities, the arts, tourism, and sports – as well as for biotechnological and medical research, which holds heightened relevance during this age of COVID-19; and

WHEREAS, a number of Boston-area institutions have had many collaborations and exchanges with Cuba – including Tufts Medical Center, Massachusetts General Hospital, Boston University, Boston Medical Center, the Massachusetts College of Pharmacy and Health Sciences, Harvard Medical School, and the Harvard School of Public Health; and

WHEREAS, the Boston-area is home to some of the leading public health, medical, and academic institutions in the United States. Entities that could greatly benefit from the restoration of trade with Cuba because of the importation of Cuban products like lifesaving medicines Herberprot-p and CIMAvax, and – more generally – scientific, biopharmaceutical, medical, and public collaboration; and

WHEREAS there is growing national awareness and work towards similar Cuban cooperative efforts in over 30 other cities, states, and unions – including neighboring Cambridge – calling for the lifting of the embargo on Cuba and collaboration on medical and scientific research and exchange; and

WHEREAS Brookline’s Federal level representation in the US House of Representatives has changed since Town Meeting in Spring 2016 passed a resolution calling for an end to the US's embargo of Cuba.

NOW THEREFORE BE IT RESOLVED THAT that Brookline Town Meeting finds that travel restrictions and the embargo are detrimental to the interests of the citizens of Brookline, the United States, and Cuba.

BE IT FURTHER RESOLVED that Brookline Town Meeting urges the immediate restoration of engagement with Cuba which President Barack Obama initiated through the repeal of restrictive regulations.

BE IT FURTHER RESOLVED that Brookline Town Meeting encourages local medical, health care, scientific, academic, and pharmaceutical institutions to actively explore collaboration with their Cuban counterparts in knowledge transfer and joint collaboration in public health prevention methods, innovation treatments, and the development of new treatments, vaccines, and protocols; and

BE IT FURTHER RESOLVED that the Brookline Town Meeting appeals to the Massachusetts State Legislature and the Governor to actively pursue such exchanges, knowledge transfers, and collaboration – including, but not limited to, efforts to further joint development of drugs and treatment protocols in pursuit of the COVID-19 virus and other communicable diseases; and

BE IT FURTHER RESOLVED that Brookline Town Meeting strongly urges Representative Jake Auchincloss, and Senators Elizabeth Warren and Ed Markey, to propose and pass

legislation that will finally end the unsuccessful and harmful 60-year-old economic, financial, and commercial embargo – and lift the travel restrictions on US citizens and residents to Cuba, and Cuban citizens to the United States.

Approved: AYE: 148 NO: 17 ABSTAINED: 44

MOTION to dissolve annual town meeting effective at 5:00pm on June 9, duly seconded

Approved

[Meeting is dissolved June 9, 2022 at 5:00pm]